

ORDER ON BAIL APPLICATION
FILED U/SEC.480 of B.N.S.S

Counsel for accused has moved bail application u/Sec. 480 of B.N.S.S seeking to enlarge accused No. 1 to 3, 5 and 6 on bail.

2. In the bail application it is stated that, the offences alleged against the accused are punishable u/Sec 132, 121(1), 118(1), 109 and 3(5) of BNS. However the accused being innocent have not at all committed the alleged offences. The accused hail from respectable family. Besides they own movable and immovable properties as such there are no chances of absconding from the jurisdiction of this Court. That they are ready to furnish surety to the satisfaction of this court and to abide the conditions which may be imposed. Further, their family members are dependent upon them. With these contentions C/A urge to enlarge the accused No. 1 to 3, 5 and 6 on bail.

3. On the other hand L/APP resisted the bail application by contending that, Mundgod Police have registered the case against accused for the aforesaid offences in PS Cr. No.209/2024 and in case the accused are enlarged on bail they may attack on the complainant and may leave the jurisdiction of this Court. Besides, they may also threaten the

prosecution witnesses. Inter alia L/APP sought to dismiss the bail application.

4. Heard both sides.

5. The following points arise for the consideration of this Court:-

1. Whether the accused No. 1 to 3, 5 and 6 have made out sufficient grounds to enlarge them on bail ?

2. What order ?

6. My findings to the above points are as under:

Point No.1 : In the **Affirmative**,

Point No.2 : As per final order for the following:-

REASONS

7. **Point No.1:** The offences alleged against the accused No. 1 to 3, 5 and 6 though non-bailable in nature, they are neither punishable with death nor with imprisonment for life.

8. The main attack of the prosecution is that in case the accused are enlarged on bail they may threaten the prosecution witnesses and may abscond and may commit the similar

offences. I have given my anxious consideration to the objections filed by L/APP. So far as, the apprehensions of the prosecution are concerned, can be met by imposing stringent and suitable conditions.

9. That apart, the offences alleged against the accused are yet to be proved by the prosecution in full fledged trial. Rejection of bail application and thereby making the accused to languish in jail will amount to pretrial detention which is bad in the eyes of law. Moreover, the accused is presumed to be innocent until proven guilty. At this juncture it is necessary to consider the cardinal rule of criminal jurisprudence that 'bail is a rule and jail is an exception'. For the foregoing reasons, this court answers point No.1 in the Affirmative.

10. **Point No.2** : In view of above findings and discussions, this court proceeds to pass the following :-

ORDER

Bail application filed by the **accused No. 1 to 3, 5 and 6** u/Sec. 480 of B.N.S.S is hereby allowed, subject to the following conditions.

1. Accused No. 1 to 3, 5 and 6 shall execute their personal bond for a

sum of Rs.1,00,000/- each along with two surties for the like sum.

2. Accused No. 1 to 3, 5 and 6 shall regularly appear before the court.

3. Accused No. 1 to 3, 5 and 6 shall not threaten the prosecution witnesses and tamper the prosecution evidence.

4. Accused No. 1 to 3, 5 and 6 shall not either directly or indirectly come in contact with the complainant.

5. Prosecution is at liberty to move for cancellation of bail of the accused in case of violation of any of the aforesaid condition.

**(Akshatha C.R.)
Civil Judge and JMFC.,
Mundgod.**