

ORDER ON APPLICATION UNDER SEC.437 OF CR.P.C.

Advocate for Accused No.5 filed Vakalath with Advancement application and bail application under sec.437 of Cr.P.C. for accused.

It is submitted in the application that the police have filed a false case against the accused for the offences punishable under Sections 143, 147, 148, 332, 353, r/w 149 of IPC. It is further submitted that the accused is innocent and has not committed any such offence as alleged against him by the police and the accused undertake to offer substantial surety for his release on bail. They also undertakes to abide by the terms and conditions imposed by this Court and hence pray for allowing the application.

The learned A.P.P. has filed objection stating that the offence alleged against the accused are non-bailable and if he is enlarged on bail at this stage he may abscond from this Court jurisdiction and tamper the prosecution witnesses, he may commit similar offence and may cause hardship and inconvenience to the prosecution case. On the above ground prays for rejection of the application.

Heard both side and perused the prosecution paper.

In the instant case, the offence alleged against the accused is non-bailable in nature, but not punishable with death and the said offence is exclusively triable by this Court. Hence, the accused is entitled for bail and this Court proceeds to pass the following:-

ORDER

The bail application filed under sec.437 of Cr.P.C. on behalf of the accused No. 5 is hereby allowed subject to the following conditions:

- 1) Accused No. 5 shall be released on bail on his executing personal bond for Rs.10,000/- and one surety for likesum.**
- 2) Accused No. 5 shall appear before the court on all the dates of hearing and he shall not commit similar offences.**

Surety by name Saraswathi, 42 years, D/o Koosa Poojary, R/o H.No. 6-256, Halavalli Koteswara, Kundapura Taluk, Udupi District is present and files affidavit and Xerox copy of Aadhaar Card and offering surety to the accused. Same is perused. Surety is accepted on perusing the R.T.C. bearing Sy.No. 7/17 of Koteswara village, Kundapura Taluk produced by her.

Office is directed to take bond and surety.

Charge sheet copy furnished.

**Addl. Civil Judge and J.M.F.C.,
Kundapura.**