

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

Advocate for Accused No.1 to 4 and 6 to 11 filed Vakalath and bail applications under sec.437 of Cr.P.C. for accused No. 1 to 4 and 6 to 11.

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 are 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. She 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 she 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 either with death or imprisonment for life and the said offence is exclusively triable by this Court. The apprehension may be met out by imposing stringent conditions on the accused while releasing them on bail. As could be seen from the order sheet and case papers it goes to show that accused were absconding from the jurisdiction of this court and had been abroad for all these years. Hence, the accused is entitled for bail and I proceed to pass the following:-

ORDER

The bail application filed under sec.437 of Cr.P.C. on behalf of the accused No. 1 to 4 and 6 to 11 are hereby allowed subject to the following conditions:

- 1) Accused No. 1 to 4 and 6 to 11 shall be released on bail on his executing personal bond for Rs.10,000/- each and one surety for likesum.
- 2) Accused No. 1 to 4 and 6 to 11 shall appear before the court on all the dates of hearing and he shall not commit similar offences.

Surety by name Janardhana Kharvi, 52 years, S/o Late Rama Kharvi, R/o H.No. 2/22A, Kharvi Keri, Kundapura Kasaba Village, Kundapura Taluk, Udupi District is present and files affidavit and Xerox copy of Voter I.D. and offering surety to the accused. Same is perused. Surety is accepted on perusing the R.T.C. bearing Sy.No. 88/3CP5 of Kundapura Kasaba village, Kundapura Taluk produced by him.

Office is directed to take bond.

25,1.2017

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