

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

**Sri. M.D.S. Advocate for Accused has filed Vakalath with advancement application and bail application under sec.437 of Cr.P.C. to enlarge the accused on bail.**

**It is submitted in the application that the police have filed a false case against the accused for the offences punishable under Sections 323, 498A, 504, 506 of IPC & U/s. 3, 4, 6 of D.P. Act. It is further submitted that the accused are innocent and have not committed any such offence as alleged against them by the police and the accused undertake to offer substantial surety**

**for their release on bail. They also undertakes to abide by the terms and conditions imposed by this Court and hence, prays 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 they are enlarged on bail at this stage, they may abscond from this Court jurisdiction and tamper the prosecution witnesses, they 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 are non-bailable in nature, but not punishable with death and the said offence is exclusively triable by this Court. Hence, the accused are 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 are hereby allowed subject to the following conditions:**

- 1) Accused shall be released on bail on their executing personal bond for Rs.10,000/- and one surety for the likesum.**
- 2) Accused shall appear before the Court on all the dates of hearing and they shall not commit similar offences.**

**Surety by name Gowrishankar B.E., aged about 31 years, S/o. Eshwarchar, R/at #36, 2<sup>nd</sup> Cross, Kalyan Nagar, Nagarabavi, Bangalore is present and files affidavit and Xerox copy of Aadaar Card and Payslip document produced by him.**

**Office is directed to take bond and surety.**

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

**Intimation through the Post to the Jail authority to release the accused if he is not required in any other case.**

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