**Application under Section 439 CrPC**

IN THE HON'BLE DISTRICT AND SESSION COURT AT……………………Cr MP (M) No:\_\_\_\_\_\_ 20…

…………………………………………………………..Applicant/Petitioner

 VERSUS

……………………………………………………….Respondents

Application under Section 439 CrPC for the grant of Bail

Respectfully Sheweth:

1. That the accused Sh. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the applicant has been involved in a false and frivolous case by one Sh. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ by lodging a complaint/FIR No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_\_\_\_\_ under Sections \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of IPC with the ………….: \_\_\_\_\_\_\_. The accused has been arrested by the Police of Police Station: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ subsequent to the above complaint.

2. That it is submitted that the allegations made against the accused are false, frivolous and vexatious and lack in the material substance. The accused has nothing to do with the alleged offences. The accused belongs to a very reputed family in his locality. The allegations are that \_\_\_\_\_\_\_\_\_

3. That the accused is a permanent resident of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and earning livelihood by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The accused has his old parent’s dependent upon him and the accused is the only bread earner for the family.

4. That the accused is innocent and has been involved falsely due to the personal grudge to settle the score against the accused by the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ due to \_\_\_\_\_\_\_\_. \_\_\_\_\_\_\_\_It is submitted that the complainant is an influential and high-handed person.

5. That by getting the accused arrested the accused has been deprived of his valuable fundamental right of liberty by abuse of legal provisions and process of law by the complainant.

6. That the accused is willing to furnish surety and bail bonds to the satisfaction of this Hon'ble court on being ordered to be released on bail. The accused is also willing to join the investigations and bind himself by the terms and conditions laid down by the law or by this Hon'ble court. It is further submitted that the accused is not at all required for the investigations and the investigations are over. However, if the accused is required for investigation, the applicant undertakes that the accused will be present as and when required in accordance with the law.

7. That neither any recovery is to be effected from the accused nor is the accused in a position to temper with the prosecution evidence. The accused will associate with the investigation whenever required to do so.

8. That the petitioner submits that no such application on behalf of the accused on the same or similar grounds has been filed or is pending in any other court.

9. That the accused has immovable property in the said village and is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_self-employed in the reputed government job and there is no chance of his jumping over the bail.

10. That the accused further undertakes not to tamper with any prosecution evidence or terrorize the witnesses.

11. The accused undertakes not to leave the jurisdiction of state of ………. and India without the orders of the Court.

It is, therefore, most respectfully prayed that:-

(a) that the accused may kindly be ordered to be released on bail and this application for bail may kindly be allowed;

b) that till the decision of this application interim bail may kindly be granted to the accused;

(c)\_\_\_\_\_\_\_\_that the directions may kindly be issued to the police to get the accused medically examined immediately;

d) Such other orders be also passed in favour of the applicant/accused as deemed fit and proper in the facts and circumstances of the case and in the interest of justice.

AND FOR THIS ACT OF KINDNESS, THE HUMBLE APPLICANT AS IN DUTY BOUND, SHALL EVER PRAY.

…………………………… Applicant/Petitioner

\_\_\_\_\_\_

Through, Advocate

Note:-

This application is filed through the father and next friend of the applicant/accused, Mr………. \_\_\_\_\_. It is, therefore, prayed that the application of the applicant/accused may kindly be allowed and the applicant/accused may kindly be released on interim bail in the interest of Justice.

…………………………….

Applicant

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Through, Advocate

**IN THE HON'BLE DISTRICT AND SESSION COURT AT …………………………..**

Cr MP (M) No:\_\_\_\_\_\_ of 20….

…………………………………………………………………………..Applicant

 ………........................................................……………………………….Petitioner

Versus

……..……………………………..State of…………………….……………………… through Public Prosecutor

Affidavit in support of application under Sec 438 of CrPC

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby solemnly affirm and declare as under :-

1. That the accompanying application has been prepared under my instructions.

2. That the contents of paras 1 to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the accompanying application are correct and true to the best of my knowledge.

3. That I further solemnly affirm and declare that this affidavit of mine is true, no part of it is false and nothing material has been concealed therein.

Affirmed at………………………………. this the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Deponent