

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF JANUARY, 2022

BEFORE

THE HON'BLE MR. JUSTICE H.P. SANDESH

CRIMINAL PETITION NO.310/2022

BETWEEN:

ANANDAKUMARA
S/O GAVISIDDAIAH
AGED ABOUT 31 YEARS
R/O SHITTAHALLI VILLAGE
KIRUGAVALU HOBLI
MALAVALLI TALUK

ADDRESS SHOWN IN FIR
AS SHETTAHALLI VILLAGE
MALAVALLI TALUK
MANDYA DISTRICT.

... PETITIONER

(BY SRI SOMEGOWDA A.N, ADVOCATE)

AND:

STATE OF KARNATAKA
BY MANDYA WOMEN POLICE STATION
MANDYA TOWN CIRCLE
REPRESENTED BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA BUILDING
Dr. B.R. AMBEDKAR VEEDHI
BENGALURU-560001

... RESPONDENT

(BY SRI H.S.SHANKAR, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 438 OF CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF HIS ARREST IN CR.NO.46/2021 OF MANDYA WOMEN P.S., MANDYA DISTRICT, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498A, 323, 504, 506 R/W. SECTION 34 OF IPC AND SECTIONS 3, 4 OF D.P.ACT.

THIS CRIMINAL PETITION COMING ON FOR ORDERS '**THROUGH VIDEO CONFERENCE**' THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

This petition is filed under Section 438 of Cr.P.C. praying to enlarge the petitioner on bail in the event of his arrest in respect of Crime No.46/2021 registered by Mandya Women Police Station, Mandya District, for the offences punishable under Sections 498A, 323, 504, 506 read with Section 34 of IPC and Sections 3 & 4 of D.P. Act.

2. Heard the learned counsel appearing for the petitioner and the learned High Court Government Pleader appearing for the respondent/State.

3. The factual matrix of the case is that the marriage of this petitioner was solemnized with the complainant on 23.05.2021 and she was subjected to cruelty and also assaulted

and caused life threat. Apart from that, subjected her for dowry harassment. Based on the complaint, a case has been registered.

4. The learned counsel appearing for the petitioner submits that in a short while of the marriage the said allegation is made and a false allegation is made against the petitioner and the offences are not punishable with death or imprisonment for life. An only allegation is that he assaulted with hands, caused life threat and abused. With regard to the allegation of dowry harassment, it requires a trial.

5. Per contra, the learned High Court Government Pleader appearing for the State would submit that this petitioner being the husband of the complainant subjected her for cruelty and also dowry harassment. Hence, there is a *prima facie* case against this petitioner.

6. Having heard the learned counsel appearing for the petitioner and the learned High Court Government Pleader appearing for the State and looking into the contents of the

complaint and taking into note of the marriage of the petitioner with the complainant and the nature of allegations made in the complaint, it is a fit case to exercise the discretion under Section 438 of Cr.P.C., in favour of the petitioner.

7. In view of the discussions made above, I pass the following:

ORDER

The petition is allowed. Consequently, the petitioner shall be released on bail in the event of his arrest in respect of Crime No.46/2021 registered by Mandya Women Police Station, Mandya District, for the offences punishable under Sections 498A, 323, 504, 506 read with Section 34 of IPC and Sections 3 & 4 of D.P. Act, subject to the following conditions:-

- (i) The petitioner shall surrender himself before the Investigating Officer within ten days from the date of receipt of a certified copy of this order and shall execute a personal bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties for the like-sum to the

satisfaction of the concerned Investigating Officer.

- (ii) The petitioner shall not indulge in hampering the investigation or tampering the prosecution witnesses.
- (iii) The petitioner shall co-operate with the Investigating Officer to complete the investigation and he shall appear before the Investigating Officer, as and when called for.
- (iv) The petitioner shall not leave the jurisdiction of the Investigating Officer without prior permission till the charge sheet is filed or for a period of three months, whichever is earlier.
- (v) The petitioner shall mark his attendance once in a month i.e., on 30th of every month between 10.00 am and 5.00 pm., before the Investigating Officer for a period of three months or till the charge sheet is filed, whichever is earlier.

**Sd/-
JUDGE**