



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16<sup>TH</sup> DAY OF MAY, 2024

BEFORE

THE HON'BLE MR JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.3843 OF 2024

BETWEEN:

1. CHANDRA MOHAN,  
S/O. LATE DODDA THAMMAIAH,  
AGED ABOUT 38 YEARS,  
R/AT KOWDLEY VILLAGE,  
KOPPA HOBALI, MADDURU TALUK,  
MANDYA DISTRICT-571 425.
2. JAYAMMA,  
W/O. LATE DODDA THAMMAIAH,  
AGED ABOUT 64 YEARS,  
R/AT KOWDLEY VILLAGE,  
KOPPA HOBALI, MADDURU TALUK  
MANDYA DISTRICT-571 425.
3. SMT. SAVITHA,  
W/O. SHIVU S,  
AGED ABOUT 36 YEARS,  
R/AT KOWDLEY VILLAGE,  
KOPPA HOBALI, MADDURU TALUK,  
MANDYA DISTRICT-571 425.
4. VIJAYAMALA,  
W/O. PRAKASH K.G.,  
AGED ABOUT 45 YEARS,  
R/AT KOWDLEY VILLAGE,  
KOPPA HOBALI, MADDURU TALUK,  
MANDYA DISTRICT-571 425.
5. SMT. PREMALATHA,  
W/O. VIJAYAKUMAR,  
AGED ABOUT 37 YEARS,





R/AT HALLEGERE VILLAGE,  
KERAGODU HOBALI,  
MANDYA TALUK - 571 446.

6. SHASHIKUMAR,  
S/O. DODDA THAMMAIAH,  
AGED ABOUT 33 YEARS,  
R/AT KOWDLEY VILLAGE,  
KOPPA HOBALI, MADDURU TALUK,  
MANDYA DISTRICT-571 425.

...PETITIONERS

(BY SRI D.S. SATHISH, ADVOCATE)

AND:

1. STATE OF KARNATAKA,  
BY MANDYA WOMEN POLICE,  
REPRESENTED BY  
STATE PUBLIC PROSECUTOR,  
HIGH COURT COMPLEX,  
HIGH COURT OF KARNATAKA,  
BANGALORE - 560 001.

...RESPONDENT

(BY SMT. WAHEEDA M.M., HCGP.)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 438 OF CR.P.C., PRAYING TO ALLOW THIS PETITION AND ENLARGE THE PETITIONERS ON ANTICIPATORY BAIL IN THE EVENT OF THEIR ARREST IN CR.NO.19/2024, FILE PENDING BEFORE THE ADDITIONAL CIVIL JUDGE (JR.DV.) AND JMFC., MANDYA, THE RESPONDENT POLICE MANDYA WOMEN POLICE, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498A, 307, 323, 114, 504, 506 READ WITH 149 OF IPC AND SECTIONS 3 AND 4 OF D.P. ACT AND PASS SUCH OTHER SUITABLE ORDERS IN THE INTEREST OF JUSTICE AND EQUITY.

THIS PETITION COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:



**ORDER**

Heard the learned counsel for the petitioners and the learned High Court Government Pleader appearing for the respondent-State.

2. The factual matrix of the case of the prosecution is that the marriage of the complainant was solemnized with accused No.1 on 28.05.2017 and at the time of marriage, they have given 25 grams of golden chain, 10 grams of ring and an amount of Rs.5,00,000/- as cash. In the said wedlock, they have been blessed with two children aged about five years and one year and nine months respectively. The complainant is a government servant and accused No.1 has allegedly married the complainant for money and property. After the marriage, he never led peaceful life with the complainant by showing love and affection. The accused No.1 always said that the dowry given was not sufficient and continued to mentally torture the complainant on the instigation of accused Nos.2 to 6. Accused No.1 is now working as a teacher at Shakapura Village, Government School of Raichur District and he had been visiting once in a fortnight during holiday and whenever he was visiting, he was



forcefully snatching the salary amount and on so many occasions, petitioner No.1 allegedly assaulted the complainant and inspite of that, the complainant tolerated all the harassment. It is also the specific allegation in the complaint that on 21.01.2024 between 10.30 p.m. and 11.00 p.m., petitioner No.1 demanded the complainant to pay the entire salary of the complainant and to get the site standing in the name of the mother to be transferred to his name and when the complainant did not agree for the same, he assaulted her and mishandled her and tried to take away her life by tightly holding her neck. Based on the complaint, the police have registered the case on 06.03.2024 for the offences punishable under Sections 498A, 307, 323, 114, 504, 506 read with Section 149 of IPC and Sections 3 and 4 of the Dowry Prohibition Act. The matter is still under investigation.

3. The learned counsel for the petitioners would submit that the present complaint is offshoot of the earlier complaint given by her husband on 02.02.2024 alleging that she is not allowing him to take care of his aged mother who is suffering from cancer and abusing him and causing threat and hence requested the police to call and advice her and hence



in the complaint by putting anti-date, a false allegation is made. The learned counsel also brought to the notice of this Court the endorsement given by the police and so also produced the documents with regard to the mother is suffering from cancer and taking treatment at Kidwai Memorial Institute of Oncology. The learned counsel submits that petitioner No.1 is also an employee and petitioner Nos.3 to 5 are the sisters of petitioner No.1 and petitioner No.6 is the brother of petitioner No.1, who is working in police department and the mother who is petitioner No.2 is suffering from cancer and all of them have been falsely implicated in the case. The learned counsel submits that the alleged incident, according to the complainant, is dated 21.01.2024 and the complaint was given on 06.03.2024. The police had called and advised her based on the complaint of petitioner No.1 dated 02.02.2024 and only afterthought, a false complaint is lodged and the Trial Court committed an error in dismissing the anticipatory application filed by the petitioners. Hence, this Court has to exercise the discretion in favour of the petitioners by granting anticipatory bail.



4. Per contra, the learned High Court Government Pleader appearing for the respondent-State would contend that a detailed complaint is given by the complainant, wherein she has categorically stated that the marriage was solemnized in 2017 and the very intention of petitioner No.1 to marry the complainant is to knock off the property of her parents. The petitioner No.1 was also insisting her to handover the entire salary amount and also specific allegation is made against the other accused persons that they were instigating her husband and also demanded dowry even subsequent to the marriage even though received golden ornaments and cash at the time of marriage. The complainant specifically mentioned the date of incident as 21.01.2024 when an attempt was made to take away her life. The learned counsel also brought to the notice of this Court the wound certificate issued by the hospital, wherein there was tenderness found in the shoulder and also soft tissue injury and injury is simple in nature. There is a specific allegation against the husband that he made an attempt to take away the life of the complainant.

5. Having heard the respective learned counsel and also looking into the averments made in the complaint, no



doubt there is a delay in lodging the complaint. The alleged incident is dated 21.01.2024. The learned High Court Government Pleader submits that there is an explanation in the complaint itself with regard to the delay is concerned. On perusal of the entire complaint, there is no such explanation in the complaint, but incident is mentioned in the complaint dated 21.01.2024 and the complaint is lodged on 06.03.2024. In the wound certificate, no doubt, there is a soft tissue injury and the injury is simple in nature. Having considered the gravity of the offence as well as the seriousness of the allegation and also it is the case of petitioner No.1 that petitioner No.2, who is the mother of petitioner No.1, is suffering from cancer and to that effect documents are also produced before the Court. The document of complaint given against the complainant by the husband is dated 02.02.2024 and the alleged incident is dated 21.01.2024. The petitioner No.1 is a government servant and petitioner No.6 is also working in police department. When such being the case, this Court can safeguard the interest of the prosecution by imposing certain conditions. Hence, it is a fit case to exercise the discretion in favour of the petitioners having considered



the material on record and looking into the allegations made in the complaint.

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

ORDER

The criminal petition is allowed. Consequently, the petitioners shall be released on bail in the event of their arrest in connection with Crime No.19/2024 of Mandya Women Police Station, Mandya, for the offences punishable under Sections 498A, 307, 323, 114, 504, 506 read with Section 149 of IPC and Sections 3 and 4 of the Dowry Prohibition Act, subject to the following conditions:

- (i) The petitioners shall surrender themselves 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) each with two sureties each for the like-sum to the satisfaction of the concerned Investigating Officer.





- (ii) The petitioners shall not indulge in hampering the investigation or tampering the prosecution witnesses.
- (iii) The petitioners shall co-operate with the Investigating Officer to complete the investigation and they shall appear before the Investigating Officer, as and when called for.
- (iv) The petitioners 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.

**Sd/-**  
**JUDGE**

MD  
List No.: 1 SI No.: 86