



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF MAY, 2024

BEFORE

THE HON'BLE MR JUSTICE S RACHAIAH

CRIMINAL PETITION NO. 4300 OF 2024

BETWEEN:

MADHUNIRANJAN SWAMY M. S.,
S/O SHIVANNA P.,
AGED ABOUT 37 YEARS,
R/AT 48, MAHAVEER NILAYA,
IN FRONT OF SIDDARUDA MUTT,
AMRAJYOTHINAGARA, MARALURU POST,
TUMAKURU - 572 105.

...PETITIONER

(BY SRI. LAKSHMIKANTH K., ADVOCATE)

AND:

STATE OF KARNATAKA
TUMKUR
BY WOMEN POLICE, TUMAKURU,
TUMAKURU DISTRICT,
REP. BY ITS STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU - 560 001

...RESPONDENT

(BY SMT. SOWMYA R., HCGP)

THIS CRL.P IS FILED U/S 438 OF CR.PC PRAYING TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF HIS ARREST IN CR.NO.20/2024 OF TUMAKURU WOMEN P.S., TUMAKURU DISTRICT FOR THE OFFENCE P/U/S





498A,342,417,109,506 R/W/ 34 OF IPC AND SEC.4 OF D.P ACT
PENDING ON THE FILE OF THE 2ND ADDL.SENIOR CIVIL JUDGE
AND J.M.F.C AT TUMAKURU.0

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

ORDER

The petitioner-accused No.1 is before this Court seeking grant of anticipatory bail in Crime No.0020/2024 of Women Police Station, Tumakuru, registered for the offences punishable under Sections 498A, 342, 417, 109, 506, r/w Section 34 of Indian Penal Code (for short 'IPC') and Section 4 of the Dowry Prohibition Act, 1961.

2. It is the case of prosecution that complainant is the wife of petitioner and their marriage was solemnized about two and a half years ago. Petitioner is a Dentist by profession and he is working in Malaysia. After marriage, petitioner went to Malaysia by assuring the complainant that he would take her to Malaysia after one year, however, he did not return to India. Further, while going to Malaysia, he had taken an amount of Rs.5,00,000/-



from the complainant's father. Thereafter, the petitioner has neither called the complainant nor taken her to Malaysia. The in-laws and other family members of the petitioner were not taking care of the complainant and the complainant was not getting satisfactory answers when she asked about the whereabouts of the petitioner. Having suspected the act of the petitioner, complainant had lodged a complaint against the petitioner and her in-laws and the same is registered in FIR No.0020/2024 by the Women Police Station, Tumakuru.

3. Heard Sri Lakshmikanth.K., learned Counsel for the petitioner and Smt.Sowmya R., learned High Court Government Pleader for the respondent-State. Perused the material on record.

4. Learned Counsel for the petitioner submitted that petitioner is arrayed as accused No.1 and he has been falsely implicated in the matter and allegation against the petitioner was baseless. Petitioner was coming to India frequently and was staying with the complainant. Due to



some unavoidable circumstances, he could not take her to Malaysia where he is working. In the meanwhile, a false complaint has been registered against the petitioner family members.

It is further submitted that if bail is granted, the matter is likely to be settled between the parties. Petitioner would certainly go to India and have some negotiations with the complainant. It is further submitted that the offences alleged are neither punishable with death nor imprisonment for life. The petitioner is the permanent resident of the address mentioned in the cause title to the petition and he is ready and willing to abide by any of the conditions that would be imposed by this Court. Hence, he prays to allow the petition in the interest of justice.

5. *Per contra*, learned High Court Government Pleader opposing the petition submitted that averments of the complaint clearly disclose demand and acceptance of dowry and also cruelty and harassment by the family members of the petitioner. The averments further disclose



that complainant has been cheated by the petitioner. The averments made in the complaint attracts Section 498A and other provisions of IPC including Section 4 of the Dowry Prohibition Act. It is further submitted that petitioner is staying in Malaysia and there may be a chance of absconding or tampering the prosecution witnesses. Therefore, the petitioner is not entitled for grant of anticipatory bail. Hence, she prays for dismissal of the petition.

6. Having heard the learned Counsel for the parties and after perusal of the complaint averments, it is not in dispute that petitioner was working in Malaysia as a Dental Doctor and he used to come to India frequently and staying with the complainant. The allegations against the petitioner are not sufficient to resist bail. If suitable conditions are imposed, certainly, it would safeguard the apprehension of the prosecution. On a careful perusal of the offences mentioned in the FIR, it appears that, the offences are neither punishable with death or



imprisonment for life. Hence, I am of the opinion that the petitioner may be enlarged on bail subject to conditions which will take care of the apprehension expressed by the learned High Court Government Pleader that the petitioner may abscond or may tamper or threaten the prosecution witnesses. Accordingly, I proceed to pass the following:

ORDER

The petition is ***allowed.***

The petitioner is ordered to be enlarged on bail in the event of his arrest in Crime No.0020/2024 of Women Police Station, Tumakuru.

The petitioner is directed to appear before the Investigating Officer within one month from the date of receipt of this order and on his appearance, the Investigating Officer shall enlarge him on bail subject to the following conditions:-

- a. The petitioner shall furnish the bond in a sum of Rs.2,00,000/- (Rupees Two Lakhs)



with one surety for the likesum to the satisfaction of the Investigating Officer;

- b. The petitioner shall appear before the Investigating Officer as and when called for the investigation;
- c. The petitioner shall not threaten or tamper the prosecution witnesses.

If in case, the petitioner violates any of the bail conditions as stated above, the prosecution will be at liberty to seek for cancellation of bail.

Sd/-
JUDGE

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List No.: 1 Sl No.: 129