



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. 4325 OF 2024

BETWEEN:

GANGADHARA H.K.,
S/O KRISHNEGOWDA,
AGED ABOUT 24 YEARS,
R/O ATTAVARA HOSAHALLI VILLAGE,
DUDDA HOBLI, HASSAN TALUK
AND DISTRICT - 573 201.

...PETITIONER

(BY SRI. GIRISH B BALADARE, ADVOCATE)

AND:

STATE OF KARNATAKA
BY HASSAN WOMEN POLICE,
HASSAN,
HASSAN DISTRICT - 573 201,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING
BANGALORE - 01

...RESPONDENT

(BY SMT. SOWMYA R., HCGP)

THIS CRL.P IS FILED U/S.438 OF CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF HIS ARREST IN CR.NO.16/2024 REGISTERED BY HASSAN WOMEN POLICE STATION, HASSAN FOR THE OFFENCE P/U/S 498A, 504, 506, 323 AND 307 R/W 34 OF IPC AND SEC. 4 OF DOWRY PROHIBITION ACT, PENDING ON THE FILE OF VII ADDITIONAL CIVIL JUDGE (JR.DN.) AND J.M.F.C., HASSAN.





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.16/2024 of Hassan Women Police Station, Hassan registered for the offences punishable under Sections 498A, 504, 506, 323 and 307 read with Section 34 of IPC, on the basis of the first information lodged by the complainant Smt. Sushmitha H.S.

2. Heard Sri. Girish B. Baladare, learned counsel appearing for the petitioner and Smt. Sowmya R., learned High Court Government Pleader appearing for the respondent - State. Perused the materials on record.

3. The brief facts of the case are that, it is the case of the prosecution that the complainant married the petitioner on 29.01.2024 at Mavinkere Temple situated in the hill. Prior to the marriage, the complainant had married one Manukumar on 24.03.2022, at her native place. It is alleged that the petitioner herein induced and promised the complainant that he would marry her, if she gets divorce from her first husband. Believing his promise, the complainant filed a case for divorce



and obtained divorce from her first husband and married the petitioner. After the marriage, the petitioner stayed with the complainant for two days and after two days, he went to his house by stating that he would come back and take the complainant after convincing his parents. Believing the words of the petitioner, the complainant sent him to his house and wait for almost one month. However, the petitioner did not return to the house of the complainant to take her to her matrimonial house. Having suspected the foul play of the petitioner, the complainant along with her family members visited the house of the petitioner and sought for justice. The family members of the petitioner have abused the complainant and her family members and also assaulted them.

4. Further it is stated that the petitioner herein was trying to kill the complainant and he was pressing the neck to strangulate her and also assaulted the complainant and it is stated in the complaint that the petitioner and his family members have demanded Rs.15,00,000/- and a car as a dowry to accept her to the matrimonial home. Being aggrieved by the act of the petitioner and his family members, the complainant lodged a complaint against petitioner and her family members.



The respondent police registered a case in Crime No.16/2024 for offences punishable under Section 498A, 323, 307, 504 and 506 read with Section 34 of IPC along with Section 4 of Dowry Prohibition Act, 1961. The petitioner is seeking anticipatory bail.

5. It is the submission of the learned counsel for the petitioner that the complainant married the petitioner on 29.01.2024 and stayed for two days and thereafter, he went to his home and he was trying to convince the family members to take the complainant to her matrimonial home. In the meantime, the complainant and her family members created ruckus in front of the house of the petitioner and assaulted the family members of the petitioner and made false implication and filed a false case against the family members of the petitioner.

6. It is further submitted that the allegations made against the petitioner is that he assaulted the complainant and also pressing her neck. However, no medical report or wound certificate is produced to substantiate the said act.

7. It is further submitted that, the other family members have been enlarged on bail by the Trial Court and the



petitioner approached this Court after his bail application has been rejected by the Trial Court.

8. It is further submitted that the petitioner is innocent of the alleged offences and he has been falsely implicated to this case only in order to pressurize him to restore the matrimonial relationship. The petitioner is ready to abide the conditions imposed by this Court in the event of his release of bail. Making such submissions, the learned counsel for the petitioner prays to allow the petition.

9. Per contra, the learned HCGP vehemently opposed the bail petition and submitted that the averments of the complaint clearly disclose that she has been assaulted and abused by the petitioner and his family members. Further, the complainant was being strangulated by the petitioner by pressing her neck and the petitioner and his family members were demanding dowry in front of eye witnesses. Therefore, the Trial Court rightly rejected the anticipatory bail. Making such submissions, the learned HCGP prays to dismiss the petition.



10. After having heard the learned counsel for the respective parties and also perused the averments of the complaint, though the complainant made several allegations against the petitioner regarding assault and pressing of neck etc., the complainant had not approached the doctor for any treatment and not produced any medical certificates to substantiate the ingredients of the offence under Section 307 of IPC. After having considered the averments of the compliant and also the bail granted to the other accused, it is appropriate to grant bail, as prayed for, not only on merits of the case but also with a hope that the matrimonial relationship between the husband and wife would be restored.

11. In the light of the observations made above, 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.16/2024 of Hassan Women Police Station.



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

- a. The petitioner shall execute the personal bond in a sum of Rs.1,00,000/- (Rupees One Lakh only) with one surety for the likesum to the satisfaction of the Investigating Officer;
- b. The petitioner shall appear before the jurisdictional police as and when, it is required for the purpose of investigation, till filing of the charge sheet.
- c. The petitioner shall not tamper the prosecution witness or hamper the proceedings of the Court.

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

Sd/-
JUDGE

KG
List No.: 1 Sl No.: 135