

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF NOVEMBER, 2022

BEFORE

THE HON'BLE MR. JUSTICE RAJENDRA BADAMIKAR

CRIMINAL PETITION NO.9289 OF 2022

BETWEEN:

1. THEJAS KUMAR RAO
S/O.LATE SHIVASHANKAR RAO
AGED ABOUT 30 YEARS
2. RENUKA BAI R.
W/O.LATE SHIVASHANKAR RAO
AGED ABOUT 50 YEARS
3. SARSU BAI @ SARASHWATH BAI
C/O.RENUKA BAI R.

ALL ARE RESIDING AT
112, SHIG-B 7TH BLOCK
KHB, 5TH PHASE
YELAHANKA NEWTOWN
YELAHANKA
BENGALURU-560 064

...PETITIONERS

(BY SRI RAMESHA D.S., ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY SPP AT BENGALURU
SOLADEVANAHALLI POLICE STATION
REP. BY SPP, HIGH COURT OF KARNATAKA
BENGALURU-560 001

...RESPONDENT

(BY SMT. RASHMI JADHAV, HCGP)

THIS CRL.P. IS FILED UNDER SECTION 438 CR.P.C PRAYING TO DIRECT THE RESPONDENT-POLICE, SOLADEVANAHALLI POLICE STATION, BENGALURU TO ENLARGE THE PETITIONERS/ACCUSED ON BAIL IN THE EVENT OF THEIR ARREST IN CRIME NO.99/2022 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498-A, 313 READ WITH 34 OF IPC AND SECTIONS 3 AND 4 OF DOWRY PROHIBITION ACT, 1961.

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

ORDER

The petitioners - accused Nos.1 to 3 have filed this petition under Section 438 of Cr.P.C. for enlarging them on anticipatory bail in the event of their arrest in Crime No.99/2022 of Soladevanahalli Police Station registered for the offences punishable under Sections 498-A and 313 read with Section 34 of IPC and Sections 3 and 4 of the Dowry Prohibition Act 1961.

2. Heard the learned counsel for the petitioners and the learned High Court Government Pleader for the State. Perused the records.

3. Brief factual matrix leading to the case is as under:

The engagement of petitioner No.1 and the complainant was solemnized on 29.07.2020 at Sarangi Hotel, Bagalagunte and later on, their marriage was solemnized at Sri Padmavathi Marriage Hall. It is also alleged that sufficient cash and gold were given to the petitioners by way of dowry in the marriage, as per their demand. It is alleged that after the marriage, for one month, she was looked after well by the petitioners. Subsequently, the complainant was subjected to ill-treatment by the petitioners demanding additional dowry and in between this, she conceived. It is alleged that the petitioners were against the complainant being conceived and as such on 29.09.2021, she was forced to travel on two wheeler with petitioner No.1 and petitioner No.1 drove the vehicle in a rash and negligent manner ignoring road humps, as a result, she has suffered bleeding and later on, she was not provided proper treatment. However, when she brought the same to the notice of her parents, she was

admitted to the Hospital, wherein she was aborted. It is alleged that the entire Hospital expenses were borne by her parents. Later on, after discharge, she was staying with her parents and her husband came there and quarreled in order to send the complainant along with him. Later on, the complaint came to be lodged. Apprehending their arrest, the petitioners have approached the learned Sessions Judge and the learned Sessions Judge has rejected their bail petition. Hence, the petitioners are before this Court.

4. Having heard the arguments and perusing the records, there is no serious dispute with regard to the fact that the marriage was solemnized in the year 2020 and in the entire complaint, the date of marriage is not asserted. It is asserted that for one month after the marriage, she led a happy life and later on, she was subjected to ill treatment and when she conceived, on 29.09.2021 she was forced to travel on two wheeler with her husband and since two wheeler was driven in a rash and negligent

manner, she suffered bleeding, which has resulted in abortion. Hence, the prosecution alleged that the offence under Section 313 of IPC is incorporated. But there is no material evidence placed at this juncture to show that she was intentionally forced to travel on two wheeler when she was conceived. Further, though the alleged offence is said to have taken place on 29.09.2021, the complaint was lodged on 19.05.2022 and there is a delay of more than 08 (eight) months in lodging the complaint. The records further disclose that petitioner No.1 quarreled with his in-laws in order to send the complainant along with him to the matrimonial home. All these aspects disclose that there are certain matrimonial discord between the parties. No doubt, there are certain allegations regarding demand of dowry but they are required to be tested during the course of trial. The petitioners undertake to abide by the conditions.

Looking to the facts and circumstances of the case and relationship between the parties, in my considered

opinion, the petitioners can be admitted on anticipatory bail, failing which, the marriage is likely to be broken irretrievably. In order to prevent the irretrievable break down of the marriage and in order to give an opportunity to the parties to redress their remedy by way of conciliation or mediation, I am inclined to grant bail to the petitioners. Other apprehensions raised by the learned High Court Government Pleader can be meted out by imposing certain conditions. Hence, bail petition needs to be allowed and accordingly, I proceed to pass the following:

ORDER

The petition is **allowed**.

The petitioners/accused Nos.1 to 3 are directed to be enlarged on bail in the event of their arrest in Crime No.99/2022 of Soladevanahalli Police Station, registered for the offences punishable under Sections 498-A and 313 read with Section 34 of IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961 on each of them executing a personal bond for a sum of Rs.1,00,000/-

(Rupees One Lakh only) with one surety for the like-sum to the satisfaction of the Investigating Officer or the concerned trial Court, subject to the following conditions:

- (i) Petitioners shall surrender themselves before the Investigating Officer within fifteen days from the date of receipt of a certified copy of this order and in the event of surrender, Investigating Officer/SHO shall release them on bail as directed.
- (ii) Petitioners shall not directly or indirectly tamper with any of the prosecution witnesses.
- (iii) Petitioners shall not indulge in any similar offences.
- (iv) Petitioners shall make themselves available to the Investigating Officer for interrogation whenever called for during course of investigation.
- (v) Petitioner No.1 shall mark his attendance before the Investigating Officer/SHO between 9.00 a.m. and

5.00 p.m. on every first Monday of the month till the final report is submitted.

- (vi) Petitioners shall not leave the jurisdiction of the Court without prior permission.

**Sd/-
JUDGE**

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