



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 21<sup>ST</sup> DAY OF MAY, 2024**

**BEFORE**

**THE HON'BLE MR JUSTICE S RACHAIAH**

**CRIMINAL APPEAL NO. 582 OF 2024 (U/S 14(A) (2)-)**

**BETWEEN:**

HANISH ABDUL KHADAR,  
S/O. ABDUL KHADAR,  
AGED ABOUT 42 YEARS,  
RHAS NIVAS, THURAVOOR PO  
CHERTHALA,  
ALAPPUZHA, KE  
NOW, AT DOOR NO. 8,  
1<sup>ST</sup> FLOOR, 8<sup>TH</sup> CROSS, MALLAPPA,  
BENGALURU - 560 043.

...APPELLANT

(BY SRI. LAKSHMIKANTH K., ADVOCATE FOR  
SRI. SHARATH J.M., ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
BY HENNUR POLICE,  
BENGALURU CITY,  
REPRESENTED BY  
THE STATE PUBLIC PROSECUTOR,  
HIGH COURT BUILDING,  
BANGALORE - 560 001.
2. SHILPA  
W/O. HANISH ABDUL KHADAR,  
D/O. SHEEJA,  
AGED ABOUT 24 YEARS,





R/AT OUTHAL PARAMBU,  
NEERKUNNAM, AMBALAPPUZHA,  
ALAPPUZHA,  
KERALA - 688 005.

...RESPONDENTS

(BY SMT. SOWMYA R., HCGP FOR R1;  
SRI. VINAYA V.R., ADVOCATE FOR R2)

THIS CRL.A. IS FILED U/S 14(A)(2) OF SC/ST (POA) ACT, 2015 PRAYING TO SET ASIDE THE ORDER PASSED BY THE LXX ADDL. CITY CIVIL AND SESSION JUDGE AND SPECIAL JUDGE AT BENGALURU (CCH-71) IN CRL.MISC.NO.2244/2024 DATED 05.03.2024 AND CONSEQUENTLY ENLARGE HIM ON BAIL, IN THE EVENT OF HIS ARREST, WHO IS ACCUSED IN CR.NO.456/2023 (SPL.C.C.NO.153/2024 REGISTERED BY THE HENNUR POLICE, ON THE FILE OF LXX ADDL. CITY CIVIL AND SESSION JUDGE AND SPECIAL JUDGE AT BENGALURU (CCH-71) FOR THE OFFENCE P/U/S 498A, 354, 506 OF IPC AND SEC. 3(1)(a), 3(1)(r), 3(2)(va), 3(1)(w)(i) OF SC/ST (POA) ACT, 1989.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, THE COURT DELIVERED THE FOLLOWING:



## **JUDGMENT**

1. This Criminal Appeal is filed by the appellant/accused No.1 under Section 14(A)(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order passed by the LXX Addl. City Civil and Session Judge and Special Judge at Bengaluru (CCH-71), passed in CrI.Misc.No.2244/2024 dated 05.03.2024 in respect of Crime No.456/2023 registered by Hennur Police Station for the offences punishable under Sections 498A, 354, 506 of Indian Penal Code (for short 'IPC') and Sections 3(1)(a), 3(1)(r), 3(2)(va), 3(1)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'SC & ST Act').

2. Heard Sri.Lakshmikanth.K, learned counsel is represented for Sri.Sharath.J.M, learned counsel for the appellant, Smt.Sowmya.R, learned High Court Government Pleader for respondent No.1 and Sri.Vinaya.V.R, learned counsel for respondent No.2.

3. It is the case of the prosecution that the respondent No.2 is the wife of the appellant and their marriage was



solemnized on 15.07.2021. After marriage, they started residing at Shobha Arcades Apartment, Horamavu, Bangalore. As per the averments of the complaint, there were frequent quarrels between the husband and the wife. Respondent No.2 was not happy in her matrimonial home. It is further stated that, the appellant was harassing respondent No.2 in one or the other pretext and he was not taking proper care. Such being the fact, she became pregnant and on 05.04.2022, she gave birth to a child. After she gave birth to a child, she has been deserted and thrown out of the house on the ground that she belongs to scheduled caste. Being aggrieved by the cruelty and harassment meted out to her, she has lodged a complaint against the petitioner. The jurisdictional police after registering the case, conducted investigation and submitted charge sheet.

4. It is the submission of the learned counsel for the appellant that though the complainant made several allegation against the petitioner, she has compromised with the petitioner and both have decided to stay together. If bail is granted, certainly, the matter would likely to be settled.



5. It is further submitted that due to some misconception of facts, the complainant lodged a complaint and moreover, the alleged offences are neither punishable with death nor imprisonment for life. Therefore, the bail of the petitioner may be considered and he may be enlarged on bail.

6. *Per contra*, learned counsel appearing for respondent No.2 submits that the matter has been settled between them and they have agreed to live together. Therefore, the appeal may be allowed.

7. Learned High Court Government Pleader vehemently opposes the appeal and submits that, unless respondent No.2 appeared before this Court and filed a necessary affidavit or otherwise regarding the settlement, it is not appropriate to grant bail to the appellant. Moreover, the allegations are so serious against the appellant and there may be chances of committing similar offences in the future. Therefore, the appellant is not entitled for bail.

8. Heard the arguments of learned counsel for the respective parties and also perused the averments of the charge sheet. It appears that both husband and wife were not



cordial in their matrimonial life. However, after having considered the submission of the learned counsel for the respective parties regarding the settlement arrived between the spouse, it is appropriate to grant bail in order to re-establish their matrimonial life.

9. Hence, I Proceed to pass the following:

**ORDER**

1. The appeal is ***allowed***.
2. The appellant is ordered to be enlarged on bail in Crime No.0456/2023 of Hennur Police Station pending on the file of the LXX Addl. City Civil and Session Judge and Special Judge at Bengaluru (CCH-71), Bangalore City, on obtaining a personal bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with one surety for the likesum to the satisfaction of the jurisdictional Court, subject to the following conditions:
  - a) The appellant shall appear before the Court on all dates of hearing without fail.
  - b) The appellant shall not tamper the evidence and threaten the prosecution witnesses.



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

**Sd/-  
JUDGE**

SMC/List No.: 1 SI No.: 174