

(2014) 05 KAR CK 0003
In the Karnataka High Court
Case No : Criminal Petition No. 2150/2014

Kotreshi, Manjunatha and Eranna

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 27-05-2014

Acts Referred:

Penal Code, 1860 (IPC) — Section 304-B, 498-A

Citation : (2014) 05 KAR CK 0003

Hon'ble Judges : Anand Byrareddy, J

Bench : Single Bench

Advocate : M.V. Hiremath, Advocate for the Appellant; S.S. Aspal, HCGP,
Advocate for the Respondent

Final Decision : Allowed

Judgement

Anand Byrareddy, J.—Heard the learned counsel for the petitioners and the learned Government Pleader.

2. The petitioners are said to be the brothers-in-law of one, Neelavva. Neelavva was said to have been married to the brother of the petitioners, namely, one Rajashekar. It appears, the family of the petitioners had compelled Neelavva to obtain a loan of Rs. 25,000/- and thereafter, they had not repaid the loan. When Neelavva is said to have protested that the interest on the loan was accruing and that she had to repay the same to the person from whom she had borrowed the money, it transpires that there was a quarrel and she had been set on fire. This is stated in her complaint when she was under treatment for burn injuries, suffered at the incident. At that point of time, she is said to have implicated the petitioners, as well, of having tortured her and having refused to repay the money. It is on the basis of the said complaint and on the death of Neelavva, after she succumbed to the injuries, that the police have arrested the petitioners accusing them of offences punishable under Sections 498-A and 304-B of IPC. The petitioners having approached the court below seeking bail, the court though has found that an offence punishable u/s 304-B may not have been made out,

but yet found from the police diary that Neelavva had made categorical statements about the involvement of the petitioners and therefore, thought it fit to deny bail, notwithstanding, that though the offences are non-bailable but are not punishable with death or imprisonment for life, the alleged circumstances did not warrant grant of bail.

3. In the opinion of this Court, the offences had been allegedly committed nine years after the marriage of the deceased Neelavva. Hence, the allegation of demanding dowry in a paltry sum of Rs. 25,000/- and the circumstance of the deceased being tortured, not only by her mother-in-law but also these petitioners, while it is significant that Neelavva did not choose to implicate her husband in the commission of the offences, but has named only these petitioners. It is therefore a matter which would have to be established at the trial, notwithstanding the unfortunate death of Neelavva as a result of the said burn injuries.

4. Consequently, the petitioners have made out a case for enlarging them on bail.

(i) The petition is allowed.

(ii) The petitioners shall execute a personal bond for a sum of Rs. 50,000/- each (Rupees Fifty thousand) with one solvent surety for a likesum each to the satisfaction of the concerned Court.

(iii) The petitioners shall not directly or indirectly seek to influence the prosecution witnesses.

(iv) They shall appear before the Investigation officer as and when required and shall co-operate with the Investigating Officer.

(v) The petitioners shall attend the Court regularly.

(vi) In case of violation of any of these conditions, the Court is at liberty to pass suitable orders.