

(2023) 11 KAR CK 0023
In the Karnataka High Court
Case No : Criminal Petition No. 11007 Of 2023

L.V. Mohanakumari

APPELLANT

Vs

State Of Karnataka, State By Nelamangala Town Ps,
Represented By Spp, High Court Of Karnataka, Ambedkar
Veedi, Bangalore - 560001

RESPONDENT

Date of Decision : 10-11-2023

Acts Referred:

Indian Penal Code, 1860 — Section 34, 120B, 406, 420, 468, 471, 504
Code Of Criminal Procedure, 1973 — Section 438

Citation : (2023) 11 KAR CK 0023

Hon'ble Judges : S Vishwajith Shetty, J

Bench : Single Bench

Advocate : Rakshith R, Rahul K. Rai

Final Decision : Allowed

Judgement

S Vishwajith Shetty, J

1. Accused No.4 in Crime No.181/2023, registered by Nelamangala Police Station, Bengaluru District, for the offences punishable under Sections 120-B, 406, 420, 468, 471, 504 read with Section 34 of IPC is before this Court under Section 438 of Cr.P.C., seeking anticipatory bail.

2. Heard the learned counsel for the parties.

3. On the complaint of Hombaiah, retire Deputy Tahsildar, the Station House Officer of Nelamangala Town police station has registered FIR in Cr.No.181/2023 for the aforesaid offences against Nagaraju and three others. The petitioner who is the wife of 1st accused-Nagaraju is arrayed as accused No.4 in the FIR. Apprehending arrest in the said case, the petitioner had filed Crl. Mis. No.1698/2023 before the Court of IX Addl. District and Sessions Judge, Bengaluru Rural District, Bengaluru which was dismissed on 20.09.2023.

Therefore, the petitioner is before this Court.

4. Learned counsel for the petitioner submits that the petitioner has been arrayed as accused No.4 only for the reason that she is the wife of accused No.1. Except the allegation that she abused the complainant when he had gone near her house demanding money, there is no other allegation against her. The petitioner has no criminal antecedent. Hence, he prays to allow the petition.

5. Per contra, the learned HCGP has opposed the bail application and has prayed to dismiss the petition.

6. From the perusal of the complaint averments, it is seen that the entire allegation of inducing the complainant to pay total sum of 1,39,50,000/- is on accused Nos. 1 to 3 who allegedly had approached him. The allegation of conspiracy is also against the accused Nos. 1 to 3. The allegation against the petitioner is that, when the complainant's friends had gone to the house of accused No.1, the petitioner who was in the house had abused him and sent him back. Except the said allegation, there is no other allegation against the petitioner. The petitioner is a lady, aged about 45 years. Undisputedly, the petitioner has no criminal antecedents. Under these circumstances, I am of the view that the petitioner has made out a prima facie case for grant of anticipatory bail. Accordingly, the following:

ORDER

The Criminal Petition is allowed.

The petitioner shall be released in the event of her arrest in Crime No.181/2023 registered by Nelamangala Police Station, Bengaluru District, for the offence punishable under Sections 120-B, 406, 420, 468, 471, 504 read with Section 34 of IPC, subject to the following conditions:

- 1) Petitioner shall appear before the Investigation Officer within a period of one week from the date of receipt of a copy of the order and shall execute a personal bond in a sum of Rs.50,000/- [Rupees fifty thousand only] with a likesum surety.
- (2) She shall cooperate with the investigation and shall not tamper with the prosecution witnesses in any manner.
- (3) he shall furnish her residential address/contact number and shall inform the Investigating Officer/Court regarding change in the address/contact number, if any.
- (4) She shall be regular in attending the Court proceedings.