

(2023) 09 KAR CK 0065
In the Karnataka High Court
Case No : Criminal Petition No. 5241 Of 2023

Muruli R

APPELLANT

Vs

State By Sho By Nandagudi Police Station Rep. By Public
Prosecutor, State Public Prosecutor, High Court Of Karnataka,
At Bengaluru-560001

RESPONDENT

Date of Decision : 27-09-2023

Acts Referred:

Indian Penal Code, 1860 — Section 34, 304B, 498A
Dowry Prohibition Act, 1961 — Section 3, 4
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2023) 09 KAR CK 0065

Hon'ble Judges : S Vishwajith Shetty, J

Bench : Single Bench

Advocate : Srinivasa T, Sowmya R

Final Decision : Allowed

Judgement

S Vishwajith Shetty, J

1. Accused No.2 in Crime No.65/2023 registered by Nandagudi Police Station, Bengaluru for the offences punishable under Sections 304B, 498A read with Section 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961 is before this Court under Section 439 of Cr.P.C., seeking regular bail.

2. Heard the learned counsel for the parties.

3. On the basis of the complaint dated 24.04.2023 lodged by Ramachandrappa S/o Late Gaddeppa, Station House Officer of Nandagudi Police Station, Bengaluru had registered FIR in Crime No.65/2023 for the aforesaid offences against one Sri.Reddappa D.M. and three others. The petitioner was arrayed as accused No.2 in FIR. In the complaint, it is averred that complainant's daughter Pavitra was married to the petitioner about six years prior to the date of complaint and from the said wedlock, they have got two children. It is further averred in the

complaint that at the time of marriage, the complainant had given dowry to the petitioner and family members. In spite of the same, they were demanding for dowry from the daughter of the complainant and in furtherance of said demand, they were ill treating and harassing complainant's daughter Pavitra. Accused persons allegedly had asked the complainant to get his second daughter Ashwini married to their second son Nagesh. Complainant and his family members were not willing for said proposal and therefore, the accused persons were pressurizing complainant's daughter Pavitra to get her sister married to Nagesh. On 23.04.2023, complainant and his family members had gone to the house of accused persons to invite them for the marriage of Ashwini. At that time, accused persons allegedly informed the complainant that they will not send Pavitra to the marriage and they also allegedly assaulted her. After about 20 minutes, the complainant was informed by his son-in-law, Muruli and his brother Nagesh that Pavitra had hanged herself inside a room. Immediately, the door of the said room was broke open and the body of Pavitra was brought down and shifted to the hospital. In the hospital, the Doctor declared that Pavitra had died. It is in this background on 24.04.2023 a complaint was lodged, which had resulted in the registration of FIR in Crime No.65/2023.

4. Learned counsel appearing for the petitioner reiterated the grounds urged in the petition and submits that accused Nos.1, 3 and 4 have been granted anticipatory bail by the Jurisdictional Sessions Court after the charge sheet was filed and prays to allow the petition.

5. Per contra, learned HCGP who has opposed the bail application but does not dispute the submission made by the learned counsel for the petitioner.

6. From the reading of the complaint averments, it is seen that though allegation is made against the accused persons that they were demanding for payment of dowry, torturing and harassing Pavitra in furtherance of such demand, no specific instances of such demand and torture has been mentioned in the complaint. On 23.04.2023, complainant had gone to the house of the accused persons to invite them for the marriage of his second daughter Ashwini. Since the accused persons had asked the complainant and his family members to get Ashwini married to Nagesh, who is accused No.4 in the present case, it appears that there was some altercations between the parties and the accused persons allegedly informed the complainant and his family members that they will not be sending Pavitra to the marriage of Ashwini. Immediately, thereafter Pavitra had taken drastic step of committing suicide. It is also alleged that on 23.04.2023 a demand was made for payment of dowry by the accused persons. The allegation made against the accused persons is required to be proved in the full pledged trial. Accused Nos.1, 3 and 4 as against whom there are similar allegations have been granted anticipatory bail by the Jurisdictional Sessions Court after charge sheet is filed. The petitioner who has no criminal antecedents is in custody since 28.04.2023. Under the circumstances, I am of the view that the petitioner has made out a prima facie case for grant of regular bail. Accordingly, the following:

ORDER

Criminal petition is allowed. The petitioner-accused No.2. is directed to be enlarged on bail in Crime No.65/2023 of Nandagudi Police, Bengaluru, registered for the offences punishable under Sections 304B, 498A read with Section 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961, subject to the following conditions:

1. Petitioner shall execute personal bond for a sum of Rs.1,00,000 (One Lakh only) with two sureties for the likesum, to the satisfaction of the jurisdictional Court;
2. The petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;
3. The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;
4. The petitioner shall not involve in similar offences in future;
5. The petitioner shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off.