
(2014) 02 KAR CK 0295
In the Karnataka High Court
Case No : Crl. Petition No. 200122/2014

Rajesh, Anandrao @ Annappa and Shanth @ Kyada APPELLANT
Vs
The State of Karnataka RESPONDENT

Date of Decision : 14-02-2014

Acts Referred:

Penal Code, 1860 (IPC) — Section 149, 307, 323, 498-A, 504

Citation : (2014) 02 KAR CK 0295

Hon'ble Judges : B.V. Pinto, J

Bench : Single Bench

Advocate : Umadevi S.B, Advocate for the Appellant; Sanjay A. Patil, Addl. Spp, Advocate for the Respondent

Final Decision : Allowed

Judgement

B.V. Pinto, J.—This petition is filed seeking anticipatory bail in Crime No. 128/2013 of Shahabad Town police station, registered on 21.6.2013 for the offences under Sections 506, 498-A, 504, 149, 307, 323 of IPC.

2. One Shivaranjani is the complainant. She has stated in her complaint that she was married to the first petitioner Rajesh about one year prior to the date of incident and after the marriage she was being ill-treated by the accused including these petitioners. It is her case that when she was having stomachache she was given to drink some poisonous food but she did not consume the same. It is also alleged that about 15 days thereafter they had opened gas cylinder and she was sent to the kitchen but since she sensed the smell of gas, she came out of the kitchen. It is also stated by her that on the pretext of bringing water to pooja from the well situated within the house her mother-in-law was trying to push her and to kill her. On the basis of the above information, offence including the one u/s 307 of IPC is registered. However, while filing the charge sheet the allegations of attempting to commit the murder by the above three modes has been deleted in the gist of charge by: the police.

3. Smt. Umadevi. S.B., learned counsel for the petitioners submits that the investigating officer has not found any material attracting the intention to commit murder of the complainant and that the accused similarly placed have been granted bail by the Sessions Court. Hence, she submits that the petitioners may be granted anticipatory bail.

4. Sri Sanjay. A. Patil, learned Addl. SPP submits that the petitioner's presence is required in the police station for interrogation and hence grant of anticipatory bail would hamper the investigation. Therefore, he submits that the petition may be dismissed.

5. It is seen that the first petitioner is the husband, second and third petitioners are his parents. There is no specific overt act in the entire complaint against any of the petitioners except an omnibus statement against them. In view of the above position, I am of the view that the petitioners may be admitted to anticipatory bail with the stringent conditions. Hence, the following order:

ORDER

(i) The petition is allowed.

(ii) In the event of arrest of the petitioners by the investigating officer, the petitioners shall be released on bail on their executing a bond for a sum of Rs. 25,000/- each with one surety for the like sum to the satisfaction of the arresting police officer;

(ii) Petitioners shall surrender before the police within 10 days from today;

(iii) Petitioners are required to appear before the investigation officer as and when summoned for the purpose of interrogation. However the petitioners shall not kept in custody for the said purpose: and

(iv). Petitioners shall appear before the jurisdictional Magistrate within 15 days of their release from the police station and obtain regular bail.