

(2011) 01 KAR CK 0162
In the Karnataka High Court
Case No : Criminal Petition No. 5986 of 2010

Ramaiah, Jayamma and Venkatesha

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 13-01-2011

Acts Referred:

Dowry Prohibition Act, 1961 — Section 3, 4
Penal Code, 1860 (IPC) — Section 304 B, 498A

Citation : (2011) 01 KAR CK 0162

Hon'ble Judges : V. Jagannathan, J

Bench : Single Bench

Advocate : Hashmath Pasha, for the Appellant; P.M. Nawaz, Addl. SPP, for the Respondent

Final Decision : Allowed

Judgement

V. Jagannathan, J.—Petitioners are said to be the father-in-law, mother-in-law and brother-in-law of the deceased Savitha @ Narasamma are before this Court seeking anticipatory bail in respect of a case registered against them in Cr. No. 306/210 by Kyathasandra police, for the offences punishable under Sections 498-A & 304-B of IPC r/w Sections 3 & 4 of the D.P. Act.

2. Submission of the Petitioners Counsel is that, the deceased consumed poison and before that there was scuffle between her and her husband and initially, a case was registered UDR and only after two days, FIR came to be lodged. The Presence of the Petitioners is not required and no recovery is to be effected from them and considering the age of the Petitioners and they being in no way responsible for the death of the deceased, merely because they happens to be the close relatives of the husband, Petitioners also have been roped in by the police on the complaint lodged toy the father of the deceased.

3. Submission of the learned Addl. SPP is that death occurred six mouths after the marriage and the allegations are made against the Petitioners also in the complaint and therefore, they may not be granted anticipatory bail.

4. Having thus heard both sides and taking note of the submissions made by the Petitioners' Counsel in particular and also in regard to the fact that the Petitioners said to be the close relatives of the husband and the deceased also said to have consumed poison following the scuffle between her and her husband and FIR also being made after two days, all these factors therefore incline this Court to grant anticipatory bail to these Petitioners by imposing conditions to safeguard the prosecution interest.

5. In the result, petition is allowed and anticipatory bail is granted to the Petitioners, subject to the following conditions:

(i) Petitioners shall be released on bail in the event of their arrest in Cr. No. 306/10 by Kyathasandra police, on each of them executing a personal bond for a sum of Rs. 25,000/- with two sureties for the likesum to the satisfaction of the arresting police officer.

(ii) They shall not tamper with the prosecution evidence.

(iii) They shall not give threat to the prosecution witnesses in any manner.

(iv) They shall co-operate with the police for investigation.

(v) They shall mark their attendance before the jurisdictional police station on 15th & 30th day of every month between 10 a.m. and 5 p.m. till the filing of charge sheet.