
(2017) 02 KAR CK 0159
In the Karnataka High Court
Case No : 200154 of 2017

Smt. Huligemma W/o Late Amarappa, & Ors.

APPELLANT

Vs

The State of Karnataka

RESPONDENT

Date of Decision : 07-02-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 439](#) - Special powers of High Court or Court of Session regarding bail
[Indian Penal Code, 1860](#), [Section 302](#),
[Section 34](#) of IPC

Citation : (2017) 02 KAR CK 0159

Hon'ble Judges : B. A. Patil

Bench : SINGLE BENCH

Advocate : Shivanand V. Pattanshetti, Prabhugouda S.Patil

Final Decision : Allowed

Judgement

1. This petition is filed by the petitioner/accused Nos.1, 3 & 4 under Section 439 of Cr.P.C., seeking regular bail in Crime No.155/2016 of Lingasugur Police Station, Raichur, registered for the offences punishable under Sections 498A, 304B, 302 r/w 34 of IPC.

2. Brief facts leading to filing of the complaint are that, on 19.06.2016 at about 1:30 p.m. the husband of the deceased and his brother informed the complainant over the phone that the deceased has committed suicide by hanging. Immediately, the complainant went to Kalapur village along with his relatives and thereafter he came to know that the deceased who has been given in marriage to the son of accused No.1, has committed suicide due to the ill-treatment and harassment by the accused-petitioners after she gave birth to two sons for demand for dowry from her parents. On the basis of the complaint, a case has been registered against the accused-petitioners.

3. I have heard the learned counsel for the petitioners and the learned High Court Government Pleader appearing for respondent-State.

4. The main grounds urged by the learned counsel for the petitioners are that accused No.1 is aged and the other accused persons are innocents and they have been falsely implicated in this case. The accused- petitioners have not at all ill-treated or harassed the deceased and there are no overt acts alleged against the accused-petitioners in the complaint. He has further contended that the deceased has committed suicide after six years after the marriage and earlier also there were no allegations for demand of dowry. He has further contended that investigation has already been completed, charge sheet has been filed and the accused- petitioners are not required for further custodial interrogation. He has further contended that if the petitioners are released on bail, they are ready to abide by the conditions to be imposed by this Court and they are ready to offer sureties. On these grounds, he prays for allowing the petition.

5. On the contrary, learned High Court Government Pleader appearing for the respondent-State vehemently contended that accused-petitioners are main persons who have ill-treated and harassed the deceased for demand of dowry and as a result of the said cruelty, deceased has committed suicide by hanging. He has further contended that at this juncture, if the petitioners are released on bail, there is likelihood of they being absconded and they may not be available for trial. On these grounds, he prays for dismissal of the petition.

6. I have gone through the copy of the FIR, complaint and other material produced along with the petition. As could be seen from the complaint, it reveals that the marriage of the deceased was performed with the son of accused No.1 about six years back and thereafter they begotten two children. The accused-petitioners have started harassing for demand of dowry to be brought from her parents house. Even though complaint discloses the said fact but there is no specific allegations or overt acts against each of the accused persons. Apart from this, admittedly there were no earlier complaints or allegations for demand of dowry by the accused-petitioners or the husband of the deceased. When there is no prima facie material to show that there are overt acts on the part of accused-petitioners and when already charge-sheet is said to have been filed, when the accused-petitioners are ready to abide by the conditions that may be imposed by this Court and ready to offer sureties, I feel, by imposing some stringent conditions, if the accused -petitioners are released on bail, it would meet the ends of justice.

7. For the aforementioned reasons, the petition is allowed and petitioner/accused Nos.1, 3 and 4 are ordered to be released on bail, subject to the following conditions:

- i) The petitioners shall execute personal bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) each with two solvent sureties each for the likesum to the satisfaction of the jurisdictional Court;
- ii) The petitioners shall not indulge in hampering the investigation or tampering the prosecution witnesses;

- iii) The petitioners shall make themselves available to the Investigating Officer as and when required;
- iv) The petitioners shall appear before the concerned Court regularly.