

(2017) 02 KAR CK 0043
In the Karnataka High Court
Case No : 1245 of 2017

T CHANDRASHEKAR S/O THIMMAIAH

APPELLANT

Vs

THE STATE OF KARNATAKA BY VIJAYANAGAR P.S. (MYSURU)
BY STATE PUBLIC PROSECUTOR

RESPONDENT

Date of Decision : 03-02-2017

Acts Referred:

Code of Criminal Procedure, 1973, Section 438 - Direction for grant of bail to person apprehending arrest
Indian Penal Code, 1860, Section 34, Section

Citation : (2017) 02 KAR CK 0043

Hon'ble Judges : John Michael Cunha

Bench : SINGLE BENCH

Advocate : SHIVA PRASAD Y S, B.VISWESWARAIAH

Final Decision : Allowed

Judgement

1. Heard.

2. This petition is filed under section 438 of Cr.P.C., seeking anticipatory bail in Cr.No.10/2017 registered by the Vijayanagara Police Station, Mysuru for the alleged offences punishable under sections 498A, 304B r/w. 34 of Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

3. The F.I.R. is registered on the basis of the complaint lodged by the father of the deceased. The petitioner herein is arrayed as accused No.5. The allegations made in the complaint reveal that the deceased committed suicide in the house of the complainant on 1.1.2017 and died on 14.1.2017. The complaint is lodged only after the death of the deceased alleging that subsequent to the marriage, the deceased was ill-treated by accused Nos.1 to 5. The only reason the Sessions Judge appears to have rejected the application is that on 13.10.2011, a complaint was lodged against the present petitioner at the instance of the deceased. Nothing is forthcoming as to the outcome of the said complaint.

Undisputedly, the deceased lived for nearly six years thereafter and no action appears to have been taken on the said complaint. Therefore, merely on that ground, the petitioner cannot be denied bail.

4. Hence, having regard to the nature of the accusations and the relationship of the petitioner with that of the deceased, I find that the petition deserves to be allowed. Hence, I pass the following order:

Criminal petition is allowed. The petitioner is directed to appear before the Investigating Officer within fifteen days from the date of this order on any working day between 9.00 a.m. and 5.00 p.m. and the Investigating Officer shall interrogate the petitioner on the same day and shall enlarge him on bail on the same day on obtaining a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with one surety for the likesum and subject to the further condition that the petitioner shall mark his attendance in Channapatna Rural Police Station on the last Sunday of every calendar month until completion of the investigation and further the petitioner shall not intermeddle with the investigation and shall not allure the prosecution witnesses in any manner.