

(2025) 05 KAR CK 0365

In the Karnataka High Court, Principal Bench

Case No : Criminal Petition No. 6877 Of 2025 [438(Cr.Pc) / 482(BNSS)]

Vishen Vinaya Kumar & Ors.

APPELLANT

Vs

State By Bannerghatta Police Station, Bangalore, Karnataka

RESPONDENT

Date of Decision : 08-05-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 482
Information Technology Act, 2008 — Section 66, 66(D)
Bharatiya Nyaya Sanhita, 2003 — Section 85

Citation : (2025) 05 KAR CK 0365

Hon'ble Judges : V. Srishananda, J

Bench : Single Bench

Advocate : S.M. Belawatagi, Channappa Erappa

Final Decision : Allowed

Judgement

V Srishananda, J

1. Heard Sri.S.M.Belawatagi, learned counsel appearing on behalf of Sri.S.Raj Prabhu, learned counsel for the petitioner and Sri.Channappa Erappa, learned High Court Government Pleader for the State/respondent.

2. Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter 'BNSS' for short) with the following prayer:

"WHEREFORE, the petitioners most respectfully prays that this Hon'ble Court may be pleased to direct the respondent police to release/enlarge the above said petitioners on bail in the event of their arrest in Cr.199/2025 dated 04.05.2025 before the respondent Bannerghatta Police Station, Bangalore for the offences punishable under Section 115(2), 3(5) and 85 of BNS Act and under Section 66 and 66(D) of the IT Act pending on the file of the 3rd Addl. Civil Judge and JMFC, Anekal Court, Bengaluru Rural District in the interest of justice."

3. Facts in brief which are utmost necessary for disposal of the revision petition are as under:

3.1. Smt.Deeshma, filed a complaint with Bannerghatta Police Station on 04.05.2025 alleging the commission of the offences punishable under Section 66, 66(D) of Information Technology Act, 2008 and 115(2), 3(5) and 85 of Bharatiya Nyaya Sanhita, 2023 which was registered in Crime No.119/2025.

3.2. Gist of the complaint averments would reveal that complainant is a Manager in a private company and got married with accused No.1 on 02.07.2020 in Srinivasa Kalyana Mantapa at Bilekahalli and thereafter, joined the matrimonial home. A baby boy was born in the wedlock and she was living in a rented house bearing No.16, Atharva Nilaya, Kalkeri.

3.3. It is further found from the complaint averments that her husband doubted her fidelity and in that regard, he used to harass her physically and mentally. When the matter stood thus, on 17.04.2025 at about 12.30 a.m., accused No.1 took her out from the rented house and assaulted her and left her in her parental house.

3.4. Again on 3.00 a.m., on 17.04.2025, accused No.1 came along with accused No.2 and again assaulted her and when her mother – Sheela and sister – Greeshma, tried to rescue the complainant, both the accused persons assaulted them also.

3.5. It is also alleged that mobile telephone hand set of the complainant has been snatched away by him. It is also contended that accused No.1 used to pester the complainant to have unnatural sex after viewing the video clips in the laptop.

3.6. Again on 4.30 p.m. on 17.04.2025, accused Nos.1 and 2 with other accused persons came to the parental house of the complainant and picked up quarrel and took away the minor child – Advait with them illegally and after snatching the mobile telephone, they have deleted all the data in her mobile telephone.

3.7. It is also alleged that on 18.04.2025, sum of Rs.12,000/- was illegally transferred from her mobile telephone. Again on 19.04.2025, sum of Rs.4,500/- has been transferred through phonePe.

3.8. It is further alleged that to buy a house site, sum of Rs.7,00,000/- was demanded and was taken away by the accused persons and therefore, sought for action.

4. Learned counsel for the petitioners contends that having regard to the urgency, they have exercised the concurrent jurisdiction of this Court and directly approached this Court for grant of anticipatory bail.

5. He would further contend that petitioners are innocent of the offences alleged against them and trivial matrimonial issue has been blown out of proportion by the complainant and a false complaint came to be lodged against the petitioners herein and sought for grant of anticipatory bail.

6. Per contra, learned High Court Government Pleader opposes the bail grounds

with vehemence based on the written statement of objections.

7. Having heard the parties in detail, this Court perused the material on record meticulously.

8. On such perusal of the material on record, it is crystal clear that matrimonial relationship between petitioner No.1 with the complainant is a strained relationship and parties are on loggerheads and are unable to see each other eye to eye.

9. It is also alleged that there is a compromise talk and despite the same, a false complaint has been lodged by the complainant and sought for grant of anticipatory bail.

10. Learned High Court Government Pleader opposes the bail grounds with vehemence.

11. Having noticed the material on record, if the petitioners are directed to join the investigation and cooperate with the Investigating Agency by undergoing the limited period of custodial interrogation, not only the ends of justice would be met but also facilitates the investigation process as well.

12. Other apprehensions expressed by the prosecution can be met with by imposing suitable and stringent conditions with the following:

ORDER

i. Criminal petition is allowed.

ii. Petitioners are directed to join the investigation by appearing before the Investigation Officer positively on 15.05.2025 at 10.00 a.m.

iii. Investigating Officer is at liberty to take the petitioners to custody and complete the custodial interrogation, on the same day before 7.00 p.m., and thereafter, enlarge the petitioners on bail by taking a bond in a sum of Rs.50,000/- each with one surety for the likesum.

iv. Petitioners shall co-operate with the Investigating Agency by surrendering the mobile telephone and reveal the passwords and other necessary details including producing the mobile telephone, laptop and such other electronic gadgets as may be required by the Investigation Agency.

v. Petitioners shall attend the Court regularly.

vi. Petitioners shall mark their attendance before the Investigating Officer on every Sunday between 10.00 am to 2.00 pm., till the final report is filed.

vii. Petitioners shall not directly or indirectly tamper the prosecution witnesses or hamper the investigation process in any manner.

viii. Petitioners shall not leave the jurisdiction of Bengaluru (Urban and Rural) District without prior permission.

ix. Violation of any one of the conditions would entitle the prosecution to seek for cancellation of the bail.

Ordered accordingly.