

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 5TH DAY OF JUNE 2014

BEFORE

THE HON'BLE MR. JUSTICE BUDIHAL R.B.

CRIMINAL PETITION NO.3183 OF 2014

BETWEEN:

1. N. NARASIMHA
S/O. NARASIMHAIAH
AGED ABOUT 70 YEARS
2. SMT.BHAGYAMMA
W/O.N.NARASIMHA
AGED ABOUT 60 YEARS

BOTH ARE RESIDING AT
NO.98, 17TH MAIN
3RD CROSS
NEAR GELEYARA BALAGA
MAHALAKSHMI PURAM
BANGALORE – 560 086
3. SMT.N.SHASHI @ SHASHIKALA
W/O NAVEEN
AGED ABOUT 27 YEARS
R/AT NO.212, 4TH 'B' CROSS
I BLOCK, RAMAKRISHNA NAGAR
MYSORE

... PETITIONERS

(BY SRI.APPI REDDY V, ADV.,)

AND:

STATE OF KARNATAKA BY
RAJAGOPALNAGAR P.S.,
BANGALORE CITY

... RESPONDENT

(BY SRI.NASRULLA KHAN, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 438 OF CR.P.C. PRAYING TO ENLARGE THE PETITIONERS ON BAIL IN THE EVENT OF THEIR ARREST IN CR.NO.189/2014 OF RAJAGOPAL POLICE STATION, BANGALORE CITY, FOR THE OFFENCES P/U/S 498(A), 304(B) R/W 34 OF IPC.

THIS CRIMINAL PETITION COMING ON FOR ORDERS THIS DAY, THE COURT PASSED THE FOLLOWING:-

ORDER

This is the petition filed by the petitioners – accused Nos.2, 3 and 4 under Section 438 of Cr.P.C. seeking anticipatory bail to direct the respondent – police to release the petitioners on bail in the event of their arrest for the offences punishable under Sections 498A, 304B r/w Section 34 of IPC registered by the respondent – police in Crime No.189/2014.

2. Heard the arguments of the learned counsel appearing for the petitioners – accused Nos.2, 3 and 4 and also learned High Court Government Pleader for the respondent – State.

3. Learned counsel appearing for the petitioners during the course of his argument submitted that looking to the allegations, the allegations are mainly against the accused No.1 who is the husband of the deceased. He submitted that accused Nos.2, 3 and 4 are residing separately and not along with accused No.1 and deceased. He further made the submission that perusing the prosecution material, there is no prima facie case made out against the present petitioners that they are also involved in the commission of the alleged offences. He submitted that the petitioner No.2 is aged old and petitioner No.3 is aged about 60 years. Hence, he submitted that by imposing reasonable conditions, the petitioners may be enlarged on bail.

4. As against this, learned High Court Government Pleader during the course of his argument submitted that looking to the allegations made in the complaint, it is stated by the complainant that the accused No.1 and all these petitioners were insisted the

deceased to bring a sum of Rs.1,50,000/- from her parental place as dowry. He also made the submission that in this regard petitioners were given ill-treatment and harassment to the deceased. Hence, he submitted that there is a prima facie material placed by the prosecution against the present petitioners and the investigation is still going on. Investigating officer has to collect some more material and to file charge sheet in the matter. Hence, he submitted that petitioners are not entitled to be granted with anticipatory bail.

4. I have perused the averments made in the bail petition, FIR, complaint and the order passed by the lower Court on the bail application and also other materials placed on record. Looking to the allegations made in the complaint and as submitted by the learned HCGP that all the petitioners were insisting the deceased to bring a sum of Rs.1,50,000/- from her parental house and in this connection they were given ill-treatment and harassment to the deceased. The death has taken place

within 07 years from the date of their marriage and the incident has taken place in the house of accused No.1 – husband of the deceased. The investigation of the case is still going on. As submitted that, Investigating Officer has to proceed with further investigation and he has to file charge sheet in the matter. Therefore, looking to all these aspects of the matter and also seriousness of the offences alleged, at this stage, it may not be proper for this Court to allow the petition and to grant anticipatory bail. After that the petitioners can renew their request by approaching the Sessions Court or this Court for relief. With this, for the present, the petition is rejected.

**Sd/–
JUDGE**

HJ