

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF JULY 2015

BEFORE

THE HON'BLE MR.JUSTICE L.NARAYANA SWAMY

CRIMINAL PETITION No.3872/2015

BETWEEN:

1. NAGARAJU.N
S/O SRI NARAYANAPPA
AGED ABOUT 29 YEARS
2. SMT. MANJULA
W/O NARAYANAPPA
AGED ABOUT 46 YEARS
3. SRI. NARAYANAPPA L.S.
S/O LAKSHMAIAH
AGED ABOUT 62 YEARS
4. SRI. RAVIKUMAR.N
S/O NARAYANAPPA
AGED ABOUT 24 YEARS

ALL ARE RESIDING AT NO.43/3
SOMASUNDRAPALYA VILLAGE
AND POST, BENGALURE SOUTH TALUK
BANGALORE 560 102

...PETITIONERS

(BY SRI. LAKSHMI KANTHA V ADV.,)

AND:

STATE BY ANDERSONPET P.S.
REP BY PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BANGALORE 560 001.

... RESPONDENT

(BY SRI.B.J.ESHWARAPPA, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 438 OF CR.P.C. PRAYING TO ELARGE THE PETITIONERS ON BAIL IN THE EVENT OF THEIR ARREST IN CR.NO.34/2015 OF THE ANDERSONPET P.S.KGF DIST., WHICH IS REGISTERED FOR THE OFFENCE PUNISHABLE UNDER SECTION 498-A, 114, 506 R/W 149 OF IPC AND SEC.3 & 4 OF D.P. ACT.

THIS CRIMINAL PETITION IS COMING ON FOR ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

This petition is filed under Section 438 of Cr.P.C. seeking anticipatory bail in respect of Cr.No.34/2015 registered by the Andersonpet Police Station, Kolar, for the offences punishable under Sections 498A 506, 114 and r/w Section 149 of IPC and with Sections 3 & 4 of D.P. Act.

2. Bail application filed by the petitioners has already been dismissed by the Court of the III Addl. Dist. & Sessions Judge, Kolar on 16.06.2015 in CrI.Misc.No.266/2015. The petitioners are apprehending arrest at the hands of the respondent-Police. Hence, the Anticipatory Bail application has been filed.

3. The Government Pleader has vehemently opposed the bail application in regard to these petitioners as they physically and mentally harassed the complainant to bring dowry from her parental house and also abandoned her by restricting her entry into the matrimonial house. Hence, he prays for dismissal of the petition.

4. Heard the learned counsel for the petitioner and learned Government Pleader. Perused the records.

5. The main allegations against these petitioners are that, one Lakshmi lodged the complaint

that petitioner No.1 is the husband of the complainant and their marriage was solemnized on 3.10.2010 in R.K. Mahal Kalyana Mantapa, Hosur according to the Hindu religion and custom and out of their wedlock she has given birth to one boy child, named N.Surendra aged about 3 years. After the marriage she was residing in her matrimonial house and for nearly one month the petitioner No.1 has taken care of her and thereafter started harassing her physically and mentally by demanding dowry and recently the harassment reached extremity and they sent the complainant to her parents house to bring the dowry amount and restricted her entry into their house without the dowry amount. Hence, the complaint came to be registered by the police against these petitioners.

6. Offences alleged against these petitioners are neither punishable with death nor imprisonment for life. The petitioners are permanent residents of Bengaluru

City. They have undertaken to obey any conditions which may be imposed on them. Thus, the apprehension of the learned Government Pleader could be suitably met with by imposing certain conditions.

Accordingly, petition is ***allowed*** and anticipatory bail is granted to the petitioners, subject to the following conditions:

ORDER

- a) Petitioners shall surrender before the I.O. of the jurisdictional police station within one month and in such event, petitioners shall be released on executing a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with one surety each for the like sum to the satisfaction of the I.O.
- b) Petitioners shall cooperate with the I.O. in conducting investigation without fail.
- c) Petitioners shall not hold out threats to the prosecution witnesses or lure them in any manner.
- d) Petitioners shall not involve in any criminal activities.

If the petitioners violate any one of the conditions, the prosecution is at liberty to seek for cancellation of bail from the concerned Sessions Court.

**Sd/-
JUDGE**

HR