

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 04TH DAY OF JANUARY 2016

BEFORE

THE HON'BLE MR. JUSTICE A.V.CHANDRASHEKARA

CRIMINAL PETITION NO.5556 OF 2015

BETWEEN:

GEETHA N
AGED ABOUT 27 YEARS
W/O. RAMANCHANDRA
R/AT GANGAMMA BUILDING
GOPALAPPA LAYOUT
NEAR SUVARNA STUDIO
PAPIREDDYPALYA
BENGALURU-560072

... PETITIONER

(BY SRI AMBAJI RAO NAJRE, ADV.)

AND:

1. STATE OF KARNATAKA
BY JNANABHARATHI POLICE STATION
BENGALURU – 560 009
2. RAMACHANDRA
S/O SHIVALINGEGOWDA
AGED ABOUT 35 YEARS
R/AT NO.1742, 5TH BLOCK
V V LAYOUT, BENGALURU - 560061

... RESPONDENT

(BY SRI K. NAGESHWARAPPA, HCGP;
SMT N.K.KAMALA, FOR M/S.SAMARTHANA
ASSOCIATES, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439(1)(b) OF CR.P.C PRAYING TO SET ASIDE THE BAIL ORDER PASSED BY THE LEARNED XLV ADDL. CITY CIVIL AND S.J., BENGALURU CITY (CCH-46) DATED 17.07.2015 IN CRL.MISC.NO.3807/2015 U/S.438 OF CR.P.C IN CR.NO.239/2015 DATED 13.06.2015 REGISTERED BY JNANABHARATHI P.S., BENGALURU PENDING ON THE FILE OF IX A.C.M.M., BANGALORE FOR THE OFFENCE P/U/S 498A OF IPC AND SEC. 3 AND 4 OF D.P. ACT AND DIRECT THE RESPONDENT NO.1 POLICE TO ARREST THE RESPONDENT NO.2 WITH IMMEDIATE EFFECT AND PRODUCE BEFORE THE TRIAL COURT IN ACCORDANCE WITH LAW.

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

ORDER

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

2. Present petition is filed under Section 439(2) of Cr.P.C. requesting this Court to cancel the bail granted in favour of 2nd respondent herein by the learned Additional City Civil & Sessions Judge, Bengaluru City (CCH-46) in Crl.Misc.No.3807/2015 under Section 438 of Cr.P.C.

3. Admittedly, the offences alleged against the 2nd respondent are punishable under Section 498A of IPC and Sections 3 and 4 of D.P.Act. The 2nd respondent has already filed a petition seeking divorce and the same is pending before the Family Court at Bangalore. It is also submitted that petitioner has filed an application seeking maintenance and the matter would be referred to Bangalore Mediation Centre.

4. All disputes arising out of marital life will have to be referred to pre-litigation mediation to ascertain the possibilities of settlement. Hence, no good grounds are made out to interfere with the well considered order of granting anticipatory bail to the 2nd respondent by the Court of Sessions.

With these above observations, petition is dismissed.

**Sd/-
JUDGE**

HJ