IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF AUGUST, 2023

BEFORE

THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 6960 OF 2023

BETWEEN:

SMT RATHNAMMA
W/O NARAYANASWAMY
AGED ABOUT 60 YEARS
R/AT MADAMUTHNAHALLI
VILALGE, KUNKUNDA POST
KASABA HOBLI
BANGARPET TALUK
KOLAR DISTRCIT - 563 162.

...PETITIONER

(BY SRI ROHITH B.J, ADV.)

AND:

STATE OF KARNATAKA
REP BY BANGARPET TOWN POLICE
KOLAR DISTRICT
THROUGH THE O/O
STATE PUBLIC PROSECUTOR
HIGH CORUT BUILDING
BANGALORE - 560 001.

...RESPONDENT

(BY SMT. N. ANITHA GIRISH, HCGP)

Digitally signed by NANDINI MS
Location: High Court of Karnataka

THIS CRL.P FILED U/S 438 CR.PC PRAYING TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF HER ARREST IN CR.NO.179/2023 OF BANGARPET P.S., K.G.F FOR THE OFFENCE P/U/S 498(A),306,304B,504,323 R/W 34 OF IPC ON THE FILE OF THE PRL.CIVIL JUDGE (JR.DN) AND J.M.F.C BANGARPET, KOLAR DISTRICT, K.G.F.

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

ORDER

1. Accused no.4 in Crime No.179/2023 registered by Bangarpet Police Station, Kolar District, for the offences punishable under Sections 498A, 306, 304B, 504, 323, 34 IPC, is before this Court under Section 438 Cr.PC.

2. Heard the learned Counsel for the parties.

3. On the complaint of Smt. Nagamma, Bangarpet police had registered FIR in Crime No.179/2023 for the aforesaid offences against Manjunatha and three others.

4. In the complaint, it is averred that the marriage of the complainant's daughter Sudharani was solemnized with accused no.1 on 25.02.2018 and at the time of marriage, the complainant and her family members had given gold and other valuables to accused no.1 and also had met the entire expenses of marriage. It is alleged that accused no.1 had handed over certain jewellery which was received by him during marriage, to accused no.2 - Deepika with whom accused

no.1 had illicit relationship. In this regard, it appears that the petitioner and the deceased were frequently quarrelling. It is alleged in the complaint that recently accused no.1 had demanded a sum of Rs.2 lakhs from the deceased as dowry for the purpose of opening a studio. On 28.06.2023, accused no.1 allegedly called Madevaswamy - younger brother of deceased Sudharani and informed him that his sister Sudharani had taken his camera and he asked him to call his sister to give back the chip of the camera. When Madevaswamy called his sister, it appears that she and her husband - accused no.1 had quarreled. Thereafter, at about 7.00 p.m., accused no.1 allegedly informed Madevaswamy that his sister had committed suicide. Immediately, complainant and her family members went to the house of accused no.1 and found that Sudharani had committed suicide by hanging herself. It is in this background, the complaint was lodged which had resulted in registering FIR in Crime No.179/2023 against Manjunatha and others.

5. Apprehending arrest in the said case, petitioner had filed Crl.Misc.No.539/2023 before the III Addl. District & Sessions

Judge, Kolar, which was dismissed on 18.07.2023. It is under these circumstances, the petitioner is before this Court.

6. Learned Counsel for the petitioner has reiterated the grounds urged in the petition and submits that even if the averments made in the complaint are presumed to be true, no case for the offence under Section 304B IPC can be made out against the petitioner.

7. Per contra, learned HCGP has opposed the petition.

8. From the perusal of the complaint averments, it is seen that on 28.06.2023 accused no.1 had called Madevaswamy - younger brother of deceased Sudharani and informed him that his camera was taken away by his wife Sudharani and he had asked Madevaswamy to call his sister Sudharani and tell her to give back the camera chip as he needed it. Madevaswamy appears to have called Sudharani thereafter. However, the couple had fought on the issue subsequently and Sudharani had committed suicide on the said date.

9. From the complaint averments, it is seen that accused no.1 had called Madevaswamy in the afternoon of 28.06.2023

and on the same date at about 7.00 p.m., it was found that Sudharani had committed suicide. For the purpose of attracting the offence under Section 304B IPC, it has to be shown that soon before the death, the deceased was subjected to cruelty or harassment by the accused in connection with any demand for dowry. From the complaint averments, it is seen that on 28.06.2023, accused no.1 had demanded to give back the chip of his camera and there was no demand for payment of any dowry on the said date. It is not the case of the complainant that on 28.06.2023, the couple had fought on the issue of payment of dowry. Petitioners are in custody. Major portion of the investigation in the case is completed. Undisputedly, the deceased has committed suicide by hanging. Under the circumstances, I am of the view that the petitioner has made out a case for grant of the discretionary relief of anticipatory bail. Accordingly, the following order:

10. The petition is allowed. The respondent - Police or any other police in the State of Karnataka are directed to release the petitioner in the event of his arrest in Crime No.179/2023 registered by Bangarpet police station for the offences

punishable under Sections 498A, 306, 304B, 504, 323, 34 IPC, subject to the following conditions:

1. The Petitioner shall appear before the Investigating Officer within 15 days from the date of receipt of the copy of this order and shall execute a personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum to the satisfaction of the investigating officer.

2. Petitioner shall regularly appear before the Trial Court without fail unless exempted by the Trial Court for valid reasons.

3. Petitioner shall not tamper with the prosecution witness and he shall co-operate with the police for investigation and appear before them whenever called upon.

4. The petitioner shall not involve in similar offences in future.

Sd/-
JUDGE

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