NC: 2023:KHC:30829
CRL.P No. 7015 of 2023

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. 7015 OF 2023

BETWEEN:

SHRI. HARISH N.,
AGED ABOUT 34 YEARS,
S/O. NAGARAJ,
R/O #108, KAITHOTA,
NAGONDANAHALLI,
BANGALORE NORTH,
BANGALORE - 560 066.

...PETITIONER

(BY SRI. NARAYAN KUMAR V., ADVOCATE)

AND:

STATE BY WHITEFIELD P.S.,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.

...RESPONDENT

(BY SMT. N. ANITHA GIRISH, HCGP)

Digitally signed by NANDINI MS
Location: High Court of Karnataka

THIS CRL.P IS FILED U/S 439 OF CR.PC PRAYING TO PASS AN ORDER GRANTING THE BAIL TO PETITIONER AND DIRECT THE COMPLAINANT POLICE TO RELEASE THE PETITIONER (ACCUSED NO.1) ON BAIL IN CR.NO.160/2023, WHITEFIELD POLICE STATION FOR THE OFFENCE P/U/S 306,

498A R/W SEC. 34 OF IPC, I.E. ANNEXURE-A AND SET ASIDE THE FINAL ORDER IN CRL.MISC.1359/2023 PASSED BY HONBLE IX TH ADDL. DISTRICT AND SESSIONS JUDGE, BANGALORE RURAL, BANGALORE.

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

ORDER

Accused No.1 in C.C.No.8799/2023 pending before the Court of I Addl. Chief Judicial Magistrate, Bengaluru Rural arising out of Crime No.160/2023 registered by the Whitefield Police Station for the offences punishable under Sections 498A, 306 read with Section 34 of IPC, is before this Court seeking regular bail.

2. Heard the learned counsel for the parties.

3. On the complaint lodged by Smt.Radhamma, on 12.06.2023 F.I.R. in Crime No.160/2023 was registered by Whitefield Police Station against Harish, and 6 others for the offence punishable under Sections 34, 498A and 306 of IPC. In the complaint, it is averred that daughter of the

complainant namely Anjali was married to accused No.1-Harish on 19.10.2019 and from their wedlock couple have a child. It is alleged in the complaint that accused No.1-Harish had illicit relationship with the accused no.4 and when this came to the notice of the deceased, she questioned her husband. However her husband had resisted her and the family members of her husband had supported him. On 26.05.2023 deceased-Anjali confronted her husband and his family members regarding the illicit relationship, which he had with the petitioner and this was informed by the deceased over phone to her mother/complainant. On 27.05.2023 deceased fought with the petitioner and thereafter, she had committed suicide by hanging. This was informed to the complainant by accused No.1. Complaint was belatedly filed on 12.06.2023. Based on the complaint, F.I.R. in Crime No.160/2023 was registered by the Whitefield Police Station. Petitioner was arrested on 13.06.2023. Bail application filed by the petitioner before the Court of IX Additional District and Sessions Judge, Bengaluru Rural

District, Bengaluru, in Crl.Misc.No.1359/2023 was dismissed on 19.07.2023. Under these circumstances, petitioner is before this Court.

4. Learned counsel for the petitioner submits that the petitioner is innocent of alleged offences and he is in judicial custody ever since 13.06.2023. The major portion of the investigation is completed and accordingly, prays to allow the petition.

5. Per contra, learned High Court Government Pleader has opposed the bail application.

6. Material on record would go to show that there is inordinate delay in filing the complaint. The deceased - Anjali had committed suicide on 27.05.2023, whereas, the complaint has been lodged on 12.06.2023. The alleged offences are neither punishable with death nor life imprisonment. Petitioner is in custody since 13.06.2023. The petitioner has no criminal antecedents. Under these circumstances, I am of the view that petitioner has made

out a *prima facie* case for grant of regular bail. Accordingly, the following:

ORDER

The Criminal Petition is ***allowed***.

The petitioner is directed to be enlarged on bail in C.C.No.8799/2023 pending before the Court of I Addl. Chief Judicial Magistrate, Bengaluru Rural arising out of Crime No.160/2023 registered by the Whitefield Police Station for the offences punishable under Sections 498A and 306 read with Section 34 of IPC, subject to the following conditions:

a) Petitioner shall execute personal bond for a sum of Rs.1,00,000 (Rupees One Lakh only) with one surety for the likesum, to the satisfaction of the jurisdictional Court;

b) The petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;

c) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;

Sd/-
JUDGE

KA
List No.: 1 Sl No.: 58
Ct: THK