NC: 2023:KHC:31326
CRL.P No. 7054 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF AUGUST, 2023

BEFORE

THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 7054 OF 2023

BETWEEN:

SRI. IMTHIYAZ,
SON OF ABDUL MUNAF,
AGED ABOUT 28 YEARS,
RESIDING AT NO.8,
D CROSS, MADAR SAB LAYOUT,
NEW GURAPPANAPALYA,
DHARMARAM COLLEGE,
BENGALURU - 560 029.

...PETITIONER

(BY SRI. SIDDAMALLAPPA P.M., ADVOCATE)

AND:

Digitally signed by NANDINI MS
Location: High Court of Karnataka

STATE OF KARNATAKA,
BY SUDDAGUNTEPALYA POLICE,
BENGALURU CITY,
REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU - 560 001.

...RESPONDENT

(BY SMT. N. ANITHA GIRISH, HCGP)

THIS CRL.P FILED UNDER SECTION 439 OF CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.41/2023 OF SUDDAGUNTEPALYA P.S., BENGALURU CITY FOR THE OFFENCE P/U/S.498-A,306,34 OF IPC ACT PENDING

ON THE FILE OF THE HONBLE VI ADDITIONAL CMM COURT BENGALURU AND ETC.,

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

O R D E R

Accused No.1 in Crime No.41/2023 registered by Suddaguntegpalya Police Station for the offences punishable under Sections 498A and 306 read with Section 34 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC' for short) is before this Court seeking regular bail.

2. Heard the learned counsel for the parties.

3. On the basis of complaint lodged by one Guljan Banu dated 19.02.2023, FIR in Crime No.41/2023 was registered against the petitioner and three others for the aforesaid offences. In the complaint it is averred that the complainant's daughter - Misbha Firdose was married to the petitioner herein and the said marriage was a love marriage. It is alleged in the complaint that the accused persons were torturing and harassing the daughter of the complainant and therefore, she had consumed poison and on 12.02.2023, she was admitted to Jayanagar General Hospital and subsequently,

she had died on 19.02.2023 in the hospital and it is in this background, the complaint was lodged.

4. During the course of investigation, petitioner was arrested on 21.02.2023. His bail application filed before the Court of XLV Additional City Civil and Sessions Judge, Bengaluru City (CCH-46) in Crl. Misc. No.5240/2023 was dismissed on 12.07.2023. Under these circumstances, the petitioner is before this Court.

5. Learned counsel for the petitioner reiterating the grounds urged in the petition submits that accused Nos.2 to 4 were granted anticipatory bail by this Court in Crl. P. No.3373/2023, which is disposed off on 28.06.2023. Investigation in the case is completed and charges sheet has been filed. Accordingly, prays to allow the petition.

6. Learned HCGP has opposed the bail application.

7. From a reading of the complaint averments it is seen that the marriage of the deceased with the petitioner was a love marriage. It is stated that after the marriage, the complainant and family members were not visiting the house of their daughter deceased - Misbha Firdose, who allegedly

consumed the poison on 12.02.2023 and was admitted to Jayanagar General Hospital and subsequently, died on 19.02.2023 in the hospital.

8. For the period from 12.02.2023 up to 19.02.2023, the complainant / other family members of the deceased had not made any complaint against the petitioner or his family members. It is only after the death of Misbha Firdose, the complaint came to be lodged. Investigation in the case is completed and charge sheet has been filed. Under these circumstances, I am of the view that the petitioner has made out *prima facie* case for grant of regular bail. Accordingly, the following:

O R D E R

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

The petitioner is directed to be enlarged on bail in Crime No.41/2023 registered by Suddaguntegpalya 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

two sureties 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;

d) The petitioner shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off;

e) The petitioner shall not involve in similar offences in future.

SD/-
JUDGE

VBS
List No.: 1 Sl No.: 61
CT: ABS