



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 30TH DAY OF AUGUST, 2023
BEFORE
THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY
CRIMINAL PETITION NO. 7347 OF 2023

BETWEEN:

MOHAMMED SADIQ PASHA
S/O SHEK ISHAYATH
AGED ABOUT 36 YEARS
RESIDING AT NO.1128
15TH CROSS, OPPOSITE TO
GOVERNMENT SCHOOL
YELAHANKA NEW TOWN
BUS STOP, "B" SECTOR
YELAHANAKA NEW TOWN
BENGALURU - 560 064.

...PETITIONER

(BY SRI A.N. RADHA KRISHNA, ADV.)

AND:

STATE OF KARNATAKA
BY YALAHANKA NEW TOWN
POLICE, REPT. BY STATE
PUBLIC PROSECUTOR
HIGH COURT OF BUILDINGS
BENGALURU - 560 001.

...RESPONDENT

(BY SMT. N. ANITHA GIRISH, HCGP)

THIS CRL.P FILED U/S.439 CR.P.C PRAYING TO ENLARGE THE
PETITIONER ON BAIL IN CR.NO.191/2023 OF YELAHANKA NEW
TOWN P.S., BENGALURU CITY FOR THE OFFENCE P/U/S 306 R/W 34
OF IPC ON THE FILE OF THE 30TH A.C.M.M, BENGALURU.

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





ORDER

Accused No.1 in Crime No.191/2023 registered by the Yelahanka New Town Police Station, Bengaluru District for the offence punishable under Sections 306 R/w 34 of IPC is before this Court seeking regular bail.

2. Heard the learned counsel for the petitioner and learned High Court Government Pleader for respondent - State.

3. On the basis of complaint lodged by Smt Mumtaz Begum W/o Late Nisar Ahmad dated 25.06.2023, Yelahanka New Town Police had registered FIR in Crime No.191/2023 against Sadiq pasha and others for the aforesaid offences. In the complaint it is averred that, complainant's daughter Firdosa (Asma) was married to Sadiq pasha about 10 years prior to the date of complaint. It is alleged that Sadiq pasha was ill-treating his wife regularly. Even other accused persons allegedly ill-treated her. This was informed to the complainant by her daughter Firdosa. The complainant received information that on 25.06.2023 her daughter committed suicide by hanging herself. It is in this background, the complainant had approached the Police and lodged complaint which had resulted in registering



FIR in Crime No.191/2023. During the course of investigation, the petitioner was arrested on 26.06.2023. The petitioner had filed bail application in Crl.Misc.No.5962/2023 before XLV Addl. City Civil & Sessions Judge, Bengaluru, which was dismissed on 04.08.2023. It is under these circumstances, the petitioner is before this Court.

4. Learned counsel for the petitioner has reiterated the grounds urged in the petition and prays to allow the petition.

5. *Per contra*, learned High Court Government Pleader for respondent - State has opposed the bail application.

6. The complaint averments would go to show that omnibus allegations have been made by the complainant against the petitioner, who married her daughter 10 years prior to the date of incident. There are no specific allegation of any ill-treatment meted out by the accused persons on the deceased Firdosa. For the purpose of attracting offence under Section 306 of IPC, the accused persons either should have aided, abated or instigated the deceased to commit the act of suicide. The said ingredient is absent in the complaint. Under these circumstances, I am of the considered view that the



petitioner has made out a prima-face case for grant of regular bail.

Accordingly, the petition is **allowed**. The respondent - Police or any other police in the State of Karnataka are directed to release the petitioner-accused No.1 in Crime No.191/2023 registered by Yelahanka New Town Police Station, Bengaluru District for the offence punishable under Section 306 R/w 34 of IPC, subject to the following conditions:

- a) The petitioner shall execute personal bond for a sum of Rs.1,00,000/- (Rupees One lakhs 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;
- 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.

**SD/-
JUDGE**