

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26<sup>TH</sup> DAY OF AUGUST, 2020

BEFORE

THE HON'BLE MR. JUSTICE K.NATARAJAN

CRIMINAL PETITION NO.3461 OF 2020

BETWEEN

MANJUNATHA,  
S/O. KRISHNAPPA,  
AGED ABOUT 28 YEARS,  
RESIDING AT KANANURUGATE,  
KANNANUR, MAGADI TALUK,  
RAMANAGARA DISTRICT - 562 159.

... PETITIONER

(BY SRI SANCHAN JAI NANDAN, ADVOCATE)

AND

THE STATE OF KARNATAKA  
BY KUDUR POLICE STATION,  
REPRESENTED BY THE  
SPECIAL PUBLIC PROSECUTOR,  
HIGH COURT BUILDING,  
BENGALURU - 560 001.

... RESPONDENT

(BY SRI R.D. RENUKARADHYA, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439  
CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN  
CR.No.126/2020 OF KUDUR POLICE STATION, RAMANAGARA  
FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 498(A), 302,  
304(B) OF IPC.

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

ORDER

This petition is filed by the petitioner-accused No.1 under Section 439 of Cr.P.C., for granting bail in Crime No.126/2020 registered and charge-sheeted by the Kudur Police Station for the offences punishable under Sections 304(B), 498(A) and 201 read with Section 34 of Indian Penal Code (for short 'IPC') and Sections 3 and 4 of the Dowry Prohibition Act, 1961 (for short 'D.P. Act').

2. Heard the arguments of learned counsel for the petitioner and Sri R.D.Renukaradhya, learned High Court Government Pleader for the respondent-State.

3. The case of the prosecution is that on the complaint of the father of the deceased, the Kudur Police have registered a case against the petitioner for the offences punishable under Sections 302, 304(B), 498(A) of IPC on 06.05.2020. It is alleged by the complainant who

is the father of the victim namely Ramaiah that his daughter Kavya married accused No.1-petitioner about four years prior to the incident and at the time of marriage they gave golden ornaments and other house hold articles to the petitioner. A female child also born out of their wedlock. Subsequently, the petitioner and his parents started harassing his daughter and demanded dowry. That on 06.05.2020, at about 10.00 a.m., he got information that his daughter was injured due to the burst of gas stove. Then, he went to the house of accused where the dead body of his daughter was kept on Diwan cot. He has suspected that the petitioner and his parents might have committed murder of his daughter. Based upon the complaint, the Police registered a case in Crime No.126/2020 for the offences punishable under Sections 302, 498(A), 304(B) of IPC. During the investigation, the Police arrested this petitioner on 08.05.2020 and he was remanded to judicial custody. Since then he is in judicial custody.

4. The petitioner has moved a bail petition before the I Additional District and Sessions Judge, Ramanagara which came to be dismissed on 09.07.2020. Hence, the petitioner is before this Court.

5. Learned counsel for the petitioner has contended that the co-accused were all granted bail by the Sessions Judge. The allegation is that the petitioner is said to be committed murder of the deceased. But, the Police after due investigation have filed the charge-sheet for the offence punishable under Section 304B of IPC and deleted the provisions of Section 302 of IPC. The investigation is already completed. The co-accused were already granted bail. The presence of this petitioner is no more required for any purpose. The offence is not punishable with death or imprisonment for life. He is ready to abide by any conditions. Hence, prayed for granting the bail.

6. Learned High Court Government Pleader objected the bail petition on the ground that he is the main accused and husband of the deceased. If the accused is

released on bail, he is likely to tamper with the prosecution witnesses and absconding from the case is not ruled out. Hence, prayed for dismissing the petition.

7. Upon hearing the arguments and perusal of the records, no doubt, the father of the victim has filed a complaint by suspecting that the petitioner might have committed murder of his daughter. Therefore, the Police have registered a case for the offence punishable under Section 302 of IPC. Subsequent to the investigation, it was revealed that the daughter of the complainant i.e., Kavya committed suicide by pouring kerosene and lit fire and the incident has occurred within seven years of marriage. Therefore, the Police have filed charge-sheet under Sections 304(B) and 498(A) of IPC and D.P. Act. The allegation against accused No.2 was that he has destroyed the evidence who was already granted bail from the Sessions Judge. The other accused also granted bail by the Sessions Judge. The investigation has already completed and charge-sheet has been filed against the

petitioner. The alleged offence under Section 304(B) of IPC is not punishable with death or imprisonment for life. The prosecution is required to prove the case against the petitioner, whether, he has committed any harassment and demanded dowry from the daughter of the complainant only after full fledged trial. Therefore, at this stage Court cannot presume that the petitioner has committed the alleged offences. Hence, I hold, it is fit case for granting bail. Therefore, I pass the following:

**ORDER**

Criminal Petition is ***allowed***.

Petitioner-accused No.1 is ordered to be released on bail in Crime No.126/2020 of Kudur Police Station, Magadi Circle, Ramanagara District for the offences punishable under Sections 304(B), 498(A), 201 of IPC and Sections 3 and 4 of the D.P. Act subject to the following conditions:-

- (i) *Petitioner shall execute a 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 Committal Court / Trial Court;*

- (ii) *Petitioner shall not directly or indirectly tamper with any of the prosecution witnesses;*
- (iii) *Petitioner shall not leave the jurisdiction without prior permission of the trial Court;*
- (iv) *Petitioner shall appear before the Court regularly without causing any delay.*

Sd/-  
JUDGE

GBB