

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 28<sup>th</sup> DAY OF DECEMBER 2012

BEFORE

THE HON'BLE DR.JUSTICE JAWAD RAHIM

CRIMINAL PETITION NO.7376 OF 2012

BETWEEN:

1. MR.MALLESH PATIL  
S/O LATE SHANKARAPPA GOWDARU  
AGE: 29 YEARS  
R/A MYDOLALU, MALLAPURA  
BHADRAVATHI TALUK  
SHIMOGA DIST. – 573 102  
KARNATAKA
2. SMT.GANGAMMA  
W/O LATE SHANKARAPPA GOWDARU  
AGE: 50 YEARS  
R/A MYDOLALU, MALLAPURA  
BHADRAVATHI TALUK  
SHIMOGA DIST. – 573 102  
KARNATAKA
3. MR.G.N.MALLESHAPPA  
S/O G.NAGARAJAPPA  
AGE: 37 YEARS  
R/A N.T.B.ROAD  
JANNAPURA, BHADRAVATHI  
SHIMOGA DIST. – 573 102  
KARNATAKA
4. SMT.G.S.SUDHA  
W/O G.N.MALLESHAPPA  
AGE: 31 YEARS  
R/A N.T.B.ROAD  
JANNAPURA, BHADRAVATHI

SHIMOGA DIST. – 573 102  
KARNATAKA

... PETITIONERS

(BY SRI.P.B.ACHAPPA, ADV. FOR SMT.NALINA MAYEGOWDA,  
ADV.)

AND:

STATE OF KARNATAKA  
BY THE STATION HOUSE OFFICER  
HOLEHONNUR POLICE STATION  
HOLEHONNUR, BHADRAVATHI  
REP BY THE PUBLIC PROSECUTOR  
ATTACHED TO THE HON'BLE  
COURT – 560 001

... RESPONDENT

(BY SRI.RAJA SUBRAMANYA BHAT, HCGP)

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This Criminal Petition is filed under Section 438 Cr.P.C. to release the petitioners on anticipatory bail in the event of their arrest in Cr.No.226/2012 of Holehonnur Police Station, Shimoga which is registered for the offences punishable under Sections 323, 504, 506, 498A read with 34 of IPC.

This Petition coming on for Orders this day, the Court made the following:-

### **ORDER**

Petitioners who are ranked as accused Nos.1 to 4 are facing charge for the offence punishable under Sections 323, 504, 506, 498A read with 34 of IPC on the basis of the report submitted by Smt.N.Latha which is under investigation in Crime No.226/2012.

2. Learned counsel for the petitioners would submit that the allegations in the complaint only would reveal that the complainant married Sri.Mallesha Patil, the 1<sup>st</sup> petitioner and lived in matrimony. But, there is no material to support the allegation that Rs.2,00,000/- and 150 gms of gold were received in dowry or that they indulged in acts coming within the mischief of Section 498A of Cr.P.C. He would submit that the allegations are mischievous to falsely implicate all the members of the 1<sup>st</sup> petitioner's family with ulterior motive. Alternatively, it is submitted that the petitioners would face the trial and will not cause any impediment either in investigation or trial. On this assurance, they seek for grant of anticipatory bail.

3. The State has opposed the grant of anticipatory bail.

4. A perusal of the complaint registered as FIR and other material would show that the complainant has sought action against the petitioners on the basis of

alleged mental and physical cruelty propagated on her within eight days of the marriage and the demand for dowry and persistent demand for dowry. No doubt, the allegations would, if proved, visit the petitioners with punishment, yet considering all the circumstances, I am satisfied that the allegations are not of such a nature as to deprive with liberty if they could bound other conditions sufficient to safeguard her interest.

5. In view of the above, the petition is allowed. Petitioners are admitted to anticipatory bail subject to the following conditions:

- (i) The petitioners are directed to appear before the Investigating Officer incharge of investigation in Crime No.226/2012 within two weeks from now. On their appearance, the Investigating Officer may arrest them but they shall be released, if they execute a bond for a sum of ₹.25,000/- each with one solvent surety for the like sum.

- (ii) After the arrest and release in the manner aforesaid, the petitioners shall appear before the Investigating Officer as and when required and subject themselves to interrogation without causing any impediment.
- (iii) The petitioners shall not leave the jurisdiction of the Sessions Judge without prior permission
- (iv) The petitioners shall not tamper the prosecution material or prevail upon the prosecution witnesses by threat or other indecent.

**SD/-  
JUDGE**

RV