

IN THE HIGH COURT OF KARNATAKA,
GULBARGA BENCH

DATED THIS THE 30TH DAY OF JUNE, 2014

BEFORE

THE HONOURABLE MR.JUSTICE ANAND BYRAREDDY

CRIMINAL PETITION NO.200540/2014

BETWEEN:

Khaseem Patel
S/o Najeer Patel
Age: 32 years,
Occupation: Engineer
R/o Near Maharaj Hotel
Maheboob Nagar
Gulbarga.

... PETITIONER

(By Shri Chaitanyakumar Chandriki, Advocate)

AND:

The State through
Mahila Police Station, Gulbarga
Represented by S.P.P.
High Court of Karnataka
Gulbarga Bench.

... RESPONDENT

This Criminal Petition is filed under Section 438 of Code of Criminal Procedure praying to enlarge accused/petitioner on

bail, in the event of his arrest in Crime No.40/2014, which is registered for the offences punishable under section 34, 498-A, 504, 323s of Indian Penal Code and 3 and 4 of Dowry Prohibition Act.

This petition coming on for orders this day, the Court made the following:

ORDER

Heard the learned Counsel for the petitioner and the learned Government Pleader.

2. The petitioner is said to be the husband of the complaint, Smt. Heena Kausar. She was married to the petitioner on 21.4.2013 and it is alleged that very soon from the date of marriage, there was no love-lost between the petitioner and the complainant, she was ill-treated continuously and that her husband demanded dowry of Rs.5,00,000/- and had warned her that she cannot come home without the said amount and had thrown her out of the house. This was ten months prior to the date of the complaint and she having lodged a complaint after ten months, on various allegations, the petitioner along with other persons, having approached the court below seeking

anticipatory bail, the court below has granted bail to petitioners 2 to 11, whereas it has rejected the case of the petitioner on the footing that the allegations make out an offence punishable under Sections 498A, read with Sections 3 and 4 of the Dowry Prohibition Act, 1961, though not punishable with death or imprisonment for life.

3. Given the circumstance that a complaint has been lodged a full ten months after the alleged incident, the allegation would have to be established at the trial. The long silence on the part of the complainant would have to be adequately explained. The Seriousness of the offence is therefore diluted by virtue of the inordinate delay in the complaint having been made and the reasoning afforded in granting anticipatory bail to other petitioners ought to have been applied to the case of the petitioner as well. Accordingly, in the opinion of this court, the petitioner has made out a case for anticipatory bail.

Accordingly, the petition is allowed. The petitioner, in the event of his arrest, shall be enlarged on bail on his furnishing a self bond in a sum of Rs.50,000/- with a solvent surety for a like sum to the satisfaction of the Police. The petitioner shall appear before the Investigation Officer as and when required and shall offer full cooperation. The petitioner shall not, in any manner seek to tamper with the prosecution evidence.

Sd/-
JUDGE

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