

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 29<sup>th</sup> DAY OF MAY 2014

BEFORE

THE HON'BLE MR. JUSTICE ANAND BYRAREDDY

**CRIMINAL PETITION No. 1584/2014**

BETWEEN:

Manjunatha,  
Aged about 32 years,  
S/o Late Kempanna @ Kempaiah,  
Occ:daily wager in Mysugar Company Limited,  
R/o No.97, 3<sup>rd</sup> Cross, Sugar Town,  
Mandya City 571 401,

...PETITIONER

(By Sri. Ravindra B Deshpande, Advocate)

**AND:**

The State of Karnataka  
By Mandya East Police Station,  
Mandya District - 571 401.

...RESPONDENT

(By Sri. K.Nageshwarappa, HCGP)

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This criminal petition is filed under Section 439 Cr.P.C. praying to enlarge the petitioner on bail in Crime No.302/2013 of Mandya East P.S., Mandya for

the offences punishable under Sections 498A, 304B R/w 34 of IPC and u/ss.3,5 and 6 of D.P.Act.

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

ORDER

Heard the learned counsel for the petitioner and the learned Government pleader.

2. The petitioner is accused of offences punishable under Sections 498A, 304B read with Section 34 of IPC and Sections 3,5,6 of Dowry Prohibition Act.

3. The petitioner is said to have been married to his deceased wife almost seven years ago in the year 2007. As on the date of the alleged incident they had two children by their marriage. The petitioner is engaged as a daily wager in a sugar factory and his wife was also employed as a worker in a garment factory. However, she had quit her employment on the ground that she was not keeping good health and was suffering

from constant stomach ache. According to the petitioner, as a result of this suffering she had committed suicide. But it is alleged that it is on account of constant harassment and also demands for dowry by the petitioner, as alleged by the complainant, a case has been registered against the petitioner. It is in this background, that the petitioner had approached the Court below seeking bail, which has been rejected, given the seriousness of the allegations.

4. The learned counsel for the petitioner would submit that given the long period during which the petitioner and his wife were married without any complaint of harassment, the commission of suicide by his wife was on account of her dejection and on account of illness that she was suffering from, which was not capable of being diagnosed. The fact that the petitioner's two children require care and attention is a sufficient ground to enlarge the petitioner on bail.

5. The learned Government pleader seeks time to file objections.

6. Given the circumstances of the case, the petitioner is entitled to be enlarged on bail.

7. Accordingly, this criminal petition is allowed. The petitioner shall be enlarged on bail on his furnishing a personal bond for a sum of Rs.40,000/- with a solvent surety for a likesum to the satisfaction of the concerned Court, subject to the following conditions.

- (i) The petitioner shall not directly or indirectly seek to influence the prosecution witnesses.
- (ii) He shall appear before the Investigation officer as and when required and shall co-operate with the Investigating Officer.
- (iii) The petitioner shall attend the Court regularly.

- (iv) In case of violation of any of these conditions, the Court is at liberty to pass suitable orders.

**Sd/-  
JUDGE**

**\*alb/-**