

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

Dated this the 30th day of December, 2014

BEFORE

THE HON'BLE MRS. JUSTICE RATHNAKALA

Criminal Petition No.7468/2014

BETWEEN

1. KARIYAPPA
S/O YAMBALI HANUMANTHAPPA
AGED ABOUT 24 YEARS
OCC: AGRICULTURIST

2. YAMBALI HANUMANTHAPPA
S/O BANGARAPPA
AGED ABOUT 55 YEARS
OCC: AGRICULTURIST

3. BANGARAMMA
W/O YAMBALI HANUMANTHAPPA
AGED ABOUT 50 YEARS
OCC: HOUSE WIFE

4. SHARANA
S/O RAJAPPA
AGED ABOUT 23 YEARS
OCC: AGRICULTURIST

5. VENKATESH
S/O GANGAPPA
AGED ABOUT 37 YEARS
OCC: AGRICULTURIST

R/AT KALLAHALLI
KUDLIGI TALUK
BELLARY DISTRICT-583 218

6. RAJAPPA
S/O BANGARAPPA
AGED ABOUT 53 YEARS
OCC: AGRICULTURIST

7. SIDDAPPA
S/O BHYARAPPA
AGED ABOUT 38 YEARS
OCC: AGRICULTURIST

8. MANJUNATHA
S/O BANGARAPPA
AGED ABOUT 34 YEARS
OCC: AGRICULTURIST

PETITIONER NOS.1 TO 4 & 6 TO 8
ARE RESIDING AT GIDDANAKATTE VILLAGE
JAGALUR TALUK
DAVANAGERE DISTRICT-577 528 ... PETITIONERS

(By Sri CHANDRAMOULI H S, ADV.,)

AND

THE STATE OF KARNATAKA
BY THE POLICE OF NAYAKANAHATTI
POLICE STATION
CHITRADURGA DISTRICT-577 536
REPRESENTED BY
THE STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BANGALORE-560 001 ... RESPONDENT

(By Sri K. NAGESHWARAPPA, HCGP)

THIS CRL.P FILED U/S.438 CR.P.C BY THE ADVOCATE FOR THE PETITIONERS PRAYING TO ENLARGE THE PETRS. ON BAIL IN THE EVENT OF THEIR ARREST IN CRIME NO.126/2014 OF NAYAKANAHATTI P.S., CHITRADURGA, FOR THE OFFENCES P/U/Ss.366, 109, 114, 342, 496, 120B R/W 149 OF IPC. THE ADDL. DIST AND S.J., CHITRADURGA HAS REJECTED THE BAIL APPLICATION IN CRL.MISC.NO.524/14 ON 10.11.14.

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

ORDER

This petition is filed under Section 438 of Cr.P.C., on the complaint lodged by one S. Lakshmana. The allegation is, on 1.10.2014 at 2 p.m. while the daughter of the complainant namely., Veeramma was staying in the house of her elder sister at Goudagere Village, the first accused kidnapped her with the instigation of his parents (petitioner Nos.2 & 3). During the course of investigation, the other members of the family i.e.,

petitioner Nos.4 to 8 are also arrayed as accused persons.

2. Sri H.S. Chandramouli, learned counsel for the petitioners submits that the victim girl Veeramma is a major, voluntarily the first accused and the said Veeramma married on 2.10.2014 in Gopalakrishna Swamy Temple situated at Thimmalapura Forest, Kogaligi Taluk, Chitradurga District. The police secured her on 3.10.2014 and recorded her statement, wherein, she stated that she was not kidnapped and she had voluntarily staying in the house of a relative. She did not oblige to submit herself to medical examination. It is for the first time on 13.10.2014, she gave further statement alleging that she was kidnapped by the accused

persons with an intention to get her married to the first accused. However, she has categorically stated that she was not raped by the first accused. The petitioners are of known identity and the address and hail from respectable family. They apprehend arrest in view of the case registered against them. Hence, they may be granted anticipatory bail.

3. In reply, Sri K. Nageshwarappa, learned HCGP for the respondent/State opposes the petition and submits that it is not appropriate at this stage to grant anticipatory bail since the investigation against the accused persons is in progress and granting anticipatory bail obstructs for their course of investigation.

4. Having regard to the fact that the petitioners are of known identity and address and there is no allegation, any sort of physical violence exerted on the victim and the apprehension of arrest by the petitioners is well founded, I hold that there is no impediment to grant anticipatory bail to the petitioners.

5. Accordingly, the petition is **allowed** and anticipatory bail is granted to the petitioners, in the event of their arrest in Crime No.126/2014 registered by the Nayakanahatti Police Station for a period of three months, subject to the following conditions:-

- i) *Petitioners are ordered to be released on bail in the event of their arrest, by the Respondent Police, on executing personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) each with a solvent*

surety for the likesum to the satisfaction of the Investigating Officer;

- ii) Petitioners shall not hold out threats to the prosecution witnesses in any manner;*
- iii) The first petitioner if directed to appear before the respondent-IO within 8 days of obtaining the certified copy of this order;*
- iv) Petitioners shall not tamper or attempt to tamper any of the prosecution witnesses;*
- v) Petitioners shall co-operate with the Investigating Officer, for further investigation, if any.*

**SD/-
JUDGE**

cp*