

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30<sup>th</sup> DAY OF DECEMBER 2014

BEFORE

**THE HON'BLE MRS. JUSTICE RATHNAKALA**

CRIMINAL PETITION No.7755/2014

BETWEEN:

Jumra Fathima  
D/o Shakeel Ahmed  
W/o Mohammed Shoaib  
Age 21 years  
R/at Gandhi Nagar,  
Sunnada Bedi, Opp. Police Qtr,  
Virazpet, Madikeri-571201.

...PETITIONER

(By Sri.Tahir, Adv.)

AND:

State by Kalasipalya police station  
Bangalore.  
Rep. by SPP, High Court of Karnataka  
Bangalore.

... RESPONDENT

(By Sri.B.Vishweshwarappa, HC GP)

This CrI.P. is filed under Section 438 of Cr.P.C.  
praying to release the petitioner on bail in the event of

his arrest in Cr.No.304/14 of Kalasipalya P.S., Bangalore, for the offences p/u/S.380 of IPC.

This Crl.P. coming on for orders this day, the Court made the following:-

### **ORDER**

This petition is filed under Section 438 of Cr.P.C. by the petitioner who is an accused in Cr.No.304/14 for an offence punishable under Section 380 of IPC.

2. The complainant is none other than the brother-in-law of the father of the petitioner. She is alleged to have committed theft of valuables in the house of the complainant on 26.07.14. This fact came to light when the petitioner confided her indulgence in the theft before the Kalasipalya police on 27.07.14. In pursuance of the same, the complainant lodged the complaint on 13.09.2014.

3. Learned counsel for the petitioner, submits that there is long delay of two months in lodging the

complaint. More over, it is a false complaint to discourage her from marrying a boy of her choice. Now the police have recovered the entire stolen articles. Hence, further custodial interrogation of this petitioner is not warranted. She is now married and working as a teacher in Mandya district. In the event of her arrest, her reputation in the society will be maligned.

4. Learned HCGP opposed the bail petition.

5. Without making any comment on the merits of the case, what draws my attention is all the stolen articles are recovered. The link between the petitioner to the alleged offence is not found from records. The offence is triable by the Magistrate Court. The apprehension of the petitioner that she will be arrested is well founded. In the circumstances, there is no impediment to grant anticipatory bail with conditions.

6. Accordingly, the petition is allowed. The petitioner is granted anticipatory bail for a period of four months in Cr.No.304/14 registered by the Kalasipalya police. In the event of her arrest in the above period, she shall be enlarged on bail on her executing a self bond for a sum of Rs.50,000/- with one surety for the likesum to the satisfaction of the arresting police officer.

Sd/-  
JUDGE

Srl.