

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29<sup>TH</sup> DAY OF FEBRUARY, 2016

BEFORE

**THE HON'BLE MR. JUSTICE A.V.CHANDRASHEKARA**

**CRIMINAL PETITION NO.1269/2016**

**BETWEEN:**

1. N.BABU,  
S/O LATE NARAYANAMURTHY,  
AGED ABOUT 59 YEARS,  
PRESS REPORTER.
2. ARUN KUMAR,  
S/O N.BABU,  
AGED ABOUT 23 YEARS,  
PRIVATE EMPLOYEE.

BOTH PETITIONER NO.1 AND 2  
ARE RESIDING OF H.F.S,  
HUTTA COLONY,  
BHADRAVATHI TALUK,  
SHIMOGA – 577 301.

**...PETITIONERS**

(BY SRI.B.S.PRASAD, ADV.,)

**AND:**

THE STATE OF KARNATAKA,  
BY NEW TOWN POLICE STATION,  
BHADRAVATHI,  
SHIMOGA – 577 301.

**...RESPONDENT**

(BY SRI. K.NAGESHWARAPPA, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION  
438 OF CR.P.B. PRAYING TO ENLARGE THE PETITIONER ON

BAIL IN THE EVENT OF THEIR ARREST IN CR.NO.12/2016 OF BHADRAVATHI NEW TOWN P.S., SHIVAMOGGA DISTRICT FOR THE OFFENCE P/U/S 313, 494, 498(A), 504 R/W 34 OF IPC.

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

**ORDER**

Heard the learned counsel for the petitioners and learned High Court Government Pleader.

2. The petitioners are accused Nos.2 and 3 in Crime No.12/2016 on the file of respondent-police Station, a case registered for the offence punishable under Sections 313, 494, 498A, 504, 506 r/w Section 34 of IPC. They are apprehending arrest at the hands of respondent – Police. Hence, this anticipatory bail petition is filed under Section 438 of Cr.P.C, on their behalf.

3. The case on hand relates to the alleged forcible abortion of married lady by name Anuradha who is the wife of accused No.1 and these petitioners got her pregnancy aborted forcibly is the allegation.

4. Learned High Court Government Pleader vehemently opposed the bail application essential on the ground that investigation is still in progress and they required for custodial interrogation. Hence, he prays to dismiss the bail application.

5. Perused the records. The main allegation is against accused No.1 who got the pregnancy of his wife aborted forcibly and treated her with cruelty. These petitioners are family members of accused No.1 and they have undertaken to obey any conditions which may be imposed on them. Thus, the apprehension of the learned Government Pleader could be suitably met with by imposing proper conditions. Hence, they are entitled to be released on anticipatory bail.

6. Accordingly, the following:-

**ORDER**

The petition is allowed.

Petitioners are enlarged on bail, in Crime No.12/2016 of respondent - Police Station, subject to the following conditions:-

- (i) Petitioners shall be released on bail on their executing a personal bond for a sum of Rs.75,000/- with one surety, for the like-sum to the satisfaction of the Investigating Officer, in the event of their arrest, within twenty days from today;
- (ii) Petitioners shall not hold out threats to the prosecution witnesses in any manner;
- (iii) Petitioners shall surrender before the Investigating Officer within twenty days from today, without fail and shall co-operate with the Investigating Officer in conducting further investigation;
- iv) Petitioners shall not hold out threats to the prosecution witnesses or lure them in any manner.
- v) Petitioners shall not involve in any criminal activities.
- vi) Petitioners shall mark their attendance at the respondent - Police Station once in a week on every Sunday between 9 a.m. to 5 p.m. till the submission of the final report.
- a) If the petitioners violate any one of the conditions, the prosecution is at liberty to seek for cancellation of bail.

**Sd/-  
JUDGE**