

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF SEPTEMBER, 2016

BEFORE

THE HON'BLE Mr. JUSTICE L. NARAYANA SWAMY

CRIMINAL PETITION NO.3723 OF 2016

BETWEEN:

CHANDRASHEKAR
S/O. SHAMBULINGAPPA,
AGED ABOUT 35 YEARS,
R/AT NAGAVALA VILLAGE,
ELWALA HOBLI,
MYSURU - 570 005.

... PETITIONER

(BY SRI. SHANKARAPPA S, ADV.)

AND:

STATE OF KARNATAKA
BY MANDI POLICE STATION,
MYSURU DISTRICT-570 005,
REPRESENTED BY SPP,
HIGH COURT OF KARNATAKA,
BENGALURU-560 001.

... RESPONDENT

(BY SRI.K.NAGESHWARAPPA, HCGP)

THIS CRL.P. IS FILED U/S.439 CR.P.C, PRAYING TO
ENLARGE THE PETR. ON BAIL IN S.C.NO.103/2016
(CR.NO.231/2015) OF MANDI P.S., MYSURU CITY FOR THE
OFFENCE P/U/S 438(A), 304(B) OF IPC AND SEC.3,4 OF D.P.
ACT.

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

ORDER

Case came to be registered in Crime No.0231 of 2015 by Mandi Police Station, Narasimharajapura Sub-Division, Mysuru City against the petitioner for the offence punishable under Sections 304B and 498A of the Indian Penal Code 1860.

2. The case of the complainant is the his daughter was given to the petitioner in marriage and at the time of marriage, he was given a wrist watch, clothes, rupees one lakh cash and a gold ring and was got married under hindu rituals in a temple at Sathnur, Kanakapura Taluk. Further, it is stated that the petitioner was giving trouble to the his daughter demanding dowry and in some circumstances, even the complainant was ill-treated by the petitioner. Further it is stated in the complaint that on 16th December 2015 the complainant brother's wife called the complainant to inform that his daughter has been admitted to the hospital and on the same day at 4.00 p.m., his daughter died. It is further stated that in the diary maintained by her daughter, it is written by her daughter that "*my husband*

is the cause for my death, it is my sin". Hence, the complaint is lodged on 17th December 2015 against the petitioner.

3. The learned counsel appearing for the petitioner submits that the petitioner is innocent of the charges leveled against the petitioner and the entire case is a cooked up case and the police have foisted false case against the petitioner at the instance of the complainant. He submits that the incident takes place on 14th December 2015 and the petitioner himself has taken his wife to Doctor. In the medical report, his name has been recorded as the "next friend of the patient". Immediately, thereafter he intimated the aunt of the deceased and in turn the aunt of the deceased informed the father of the deceased and when all these things were happening the deceased was conscious, and she was very much in conscious till her death on 17th December 2015. The learned counsel for the petitioner further submits that the petitioner was separated about six months ago. In the diary of the deceased dated 15th June 2015, it is referred against the father-in-law, viz. mother's brother of the deceased and not against the petitioner. He

submits that the petitioner comes from a respectable family and having deep roots in the society. He also submits that investigation is complete and the charge is filed and hence by continuing the petitioner in the custody no fruitful purpose would be served.

4. The learned High Court Government Pleader submits to dismiss the petition. He submits that the if the petitioner is enlarged on bail, it would be difficult to procure him for further interrogation.

5. Heard the learned counsel for the petitioner and the learned HCGP. The complainant is the father of the deceased. The petitioner only took the deceased to the Hospital. She survived for about three days from the date of the incident and she was in full conscious that her statement could have been recorded by Doctor or by police. No case was registered neither complaint was made. When the father of the deceased went to hospital on 16th December 2015, she spoke to him and if the petitioner tried to murder his daughter, he could have lodged complaint on the same day. Instead the complaint came to be

registered on 17th December 2015. The note made in the diary is six months old and it may not be a overt act. Under the circumstance, I am inclined to grant bail. Accordingly, the petition under Section 439 of Cr.P.C. is allowed and the petitioner is granted bail subject to the following conditions:

- 1) The petitioner shall execute a bond for a sum of Rs.25,000/- with one solvent surety for the like sum to the satisfaction of the jurisdictional court;
- 2) The petitioner shall not hold out threat to prosecution witnesses or tamper with evidence;
- 3) The petitioner shall attend the court on all dates of hearing, except under unavoidable circumstances;
- 4) If the petitioner violates any of the above conditions, prosecution will be at liberty to seek cancellation of bail.

Ordered accordingly.

**Sd/-
JUDGE**

Inn