

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30<sup>TH</sup> DAY OF AUGUST 2019

BEFORE

**THE HON'BLE MR. JUSTICE K.N.PHANEENDRA**

CRIMINAL PETITION No.5777/2019

BETWEEN

SRI HEMANTH KUMAR  
S/O KRISHNAPPA  
AGED ABOUT 32 YEARS  
SRINIVASA GOWDA LAYOUT,  
(GOUTHAM NAGAR),  
BANGARPET TOWN AND TALUK  
KOLAR DISTRICT.

... PETITIONER

(BY SRI ABHILASH RAJU V, ADVOCATE)

AND

STATE OF KARNATAKA  
BY BANGARPET POLICE STATION  
REPRESENTED BY STATE PUBLIC PROSECUTOR  
HIGH COURT OF KARNATAKA,  
DR AMBEDKAR VEEDHI,  
BANGALORE-01.

... RESPONDENT

(BY SRI HONNAPPA, HCGP)

THIS CRL.P. IS FILED UNDER SECTION 438 OF CR.P.C  
PRAYING TO ENLARGE THE PETITIONER ON ANTICIPATORY  
BAIL IN THE EVENT OF HIS ARREST IN CR.NO.138/2019 OF  
BANGARPET P.S., K.G.F FOR THE OFFENCES P/U/SS. 498A, 341,  
323, 506,114 R/W 34 OF IPC AND SECTIONS 3 AND 4 OF D.P  
ACT.

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

**ORDER**

Heard learned counsel for the petitioner. Perused the records.

2. The respondent police have registered a case in Crime No.138/2019 for the offences punishable under Sections 498A, 341, 323, 506, 114, r/w.34 of IPC and sections 3 and 4 of the DP Act.

3. There is no dispute that a lady by name Brinda was given in marriage to A1 i.e. the petitioner herein on 15.6.2016. The allegations are that at the time of marriage 250 gms of gold and 2.00 lakh cash were received in consideration of the marriage. For about three months, husband and wife lived happily with each other in the matrimonial home. It appears thereafter dispute arose on the allegations that A1 to A4 have demanded some dowry and in that context, there was physical and mental harassment to the victim and it is alleged that they further demanded an amount of Rs.5,00,000/- and that A1 and A2 have actually assaulted the victim/injured with their hands on 21.7.2019. It is on these allegations the other accused

persons have already been released on bail. In my opinion, in a matrimonial matter like this, an opportunity should be given to the parties to explore the possibility of settlement. In this case there are no serious physical torture given to the victim and therefore, if the accused persons are sent to jail, chances of compromise between the parties becomes a bleak. Therefore, under the above said circumstances, I feel it is just and necessary to release the petitioner on anticipatory bail in view of the nature of allegations and facts of this case.

4. Hence, the following :

#### ORDER

The petition is allowed. Consequently, the petitioner shall be released on bail in the event of his arrest in connection with Crime No.138/2019 of Bangarpet police Station, subject to the following conditions:-

- i) The petitioner shall surrender himself before the Investigating Officer within Ten days from the date of receipt of a certified copy of this order and shall execute personal bond for a sum of Rs.50,000/- with one surety for the like-sum to

the satisfaction of the concerned Investigating Officer.

- ii) The petitioner shall not indulge in hampering the investigation or tampering the prosecution witnesses.
- iii) The petitioner shall co-operate with the Investigating Officer to complete the investigation and he shall appear before the Investigating Officer as and when called for.
- iv) The petitioner shall not leave the jurisdiction of the Investigating Officer without prior permission, till the charge sheet is filed or for a period of three months whichever is earlier.
- v) The petitioner shall mark his attendance once in a week i.e., on every Sunday between 10.00 am and 5.00 pm., before the Investigating Officer/police station for a period of two months or till the charge sheet is filed, whichever is earlier.

Sd/-  
JUDGE

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