

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF APRIL, 2022

BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

CRIMINAL PETITION NO.3136/2022

BETWEEN:

SMT. SHASHIKALA,
W/O. CHENNAKESHA,
AGED ABOUT 27 YEARS,
NO.151, SHANTINIVASA,
1ST CROSS, RAVI VERMA ROAD,
NELAMANGALA TALUK,
BENGALURU-562 123.

... PETITIONER

(BY MS. SHRIDEVI BHOSALE, ADVOCATE FOR
SRI. SURESH H.M, ADVOCATE)

AND:

STATE OF KARNATAKA,
BY NELAMANGALA TOWN POLICE,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU-560 001.

... RESPONDENT

(BY SRI. KRISHNA KUMAR K.K, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF CR.P.C, PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO. 31/2022 OF NELAMANGALA TOWN POLICE STATION, BENGALURU FOR THE OFFENCE PUNISHABLE UNDER SECTION 306, 504, 506 READ WITH 34 OF IPC ON THE FILE OF THE II ADDITIONAL CIVIL JUDGE AND JMFC, NELAMANGALA.

THIS PETITION IS COMING ON FOR ORDERS THROUGH VIDEO CONFERENCE/PHYSICAL HEARING, THIS DAY, THE COURT MADE THE FOLLOWING;

ORDER

This petition is filed under Section 439 of Cr.P.C. seeking to enlarge the petitioner – accused No.3 on regular bail in Cr.No.31/2022 by Nelamangala Town Police Station registered for the offences punishable under Sections 306, 504, 506 read with 34 of the Indian Penal Code.

2. Heard both the sides and perused the material on record.

3. The complaint is lodged by one Madhukumar before respondent – Police on the basis of which aforesaid crime was registered against accused Nos. 1 to 3.

4. It is alleged that the first informant and his wife Smt. Akhila (deceased) had received a sum of Rs.1,00,000/- from accused No.1 to run paper cup manufacturing unit and entered into an agreement.

After 15 days of the agreement, accused No.1 started insisting the first informant and his wife to return the money. It is alleged that accused persons were continuously harassing the first informant and they were abusing him using filthy language and giving life threats. Further, they were coming near his house and abusing his wife and son in filthy language. On 24.02.2022, the accused persons came near the house of the first informant and abused his wife for not returning the money and also threatened her with dire consequences if the amount was not returned. Unable to bear the said torture, she committed suicide by hanging.

5. Learned High Court Government Pleader has contended that the name of the petitioner is mentioned in the first information report and it is stated that even she has abused the deceased and threatened her with dire consequences. He submits that in view of the said conduct of the petitioner and other accused persons, the deceased has committed suicide leaving behind a death

note. He submits that ingredients of abetment are made out and since investigation is still in progress, the petitioner is not entitled for bail. Therefore, seeks to reject the bail petition.

6. The case of the prosecution is that accused No.1 entered into an agreement with the first informant to run a paper cup manufacturing unit in the premises of the first informant and advanced a sum of Rs.1,00,000/- agreeing to pay rent of Rs.16,000/- per month. Later, he started demanding first informant to return the said amount and since the amount was not returned it is alleged that accused No.1 along with accused Nos.2 and 3 started abusing him and his wife in filthy language and threatened them. It is alleged that on account of the said conduct of the accused persons, first informant's wife committed suicide by hanging.

7. As per the death note left behind by the deceased, the main allegations are against accused No.1 wherein it is stated that he has tortured and also abused

and insulted saying that they are fraud. Nothing is alleged against the petitioner in the said death note. Whether the petitioner has intentionally aided or abetted the deceased to commit suicide is a matter which has to be established in due course. Petitioner is a woman and she is in judicial custody since 25.02.2022. She has undertaken to abide by conditions that may be imposed. Hence, the following:

ORDER

The criminal petition is ***allowed***.

The petitioner – Accused No.3 shall be enlarged on bail in Crime No.31/2022 of Nelamangala Town Police Station registered for offences punishable under Sections 306, 504, 506 read with Section 34 of IPC, subject to following conditions:

- (i) Petitioner shall execute a personal bond in a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for like sum to the satisfaction of the jurisdictional court.

- (ii) Petitioner shall furnish proof of her residential address and shall inform the court if there is any change in the address.
- (iii) Petitioner shall not tamper with the prosecution witnesses/evidence either directly or indirectly.
- (iv) Petitioner shall not leave the jurisdiction of the trial court without prior permission of the learned Sessions Judge.
- (v) Petitioner shall be regular in attending the court proceedings.

**SD/-
JUDGE**

AG