



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 29<sup>TH</sup> DAY OF NOVEMBER, 2023**

**BEFORE**

**THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY**

**CRIMINAL PETITION NO.11209 OF 2023**

**BETWEEN:**

N. MADHU KUMAR @ MADHU  
S/O. LATE NAGARAJ,  
AGED ABOUT 32 YEARS,  
R/O. KESHAVA NAGARA,  
KOLAR DISTRICT – 563 101.

... PETITIONER

(BY SRI SRINIVAS PRASAD M.S., ADVOCATE)

**AND:**

STATE OF KARNATAKA BY  
BY POLICE INSEPCTOR RURAL  
POLICE STATION, KOLAR.  
REPTD. BY STATE PUBLIC PROSECUTOR,  
HIGH COURT BUILDING,  
BANGALORE-01.

... RESPONDENT

(BY SRI RANGASWAMY R., HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 CR.PC BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO ENLARGE THE PETITIONER ON BAIL IN C.C.NO.872/2023 (CR.NO.253/2023) OF KOLAR RURAL P.S., KOLAR DISTRICT FOR THE OFFENCE P/U/S 498(A), 304B R/W 34 OF IPC AND SEC. 3, 4 OF D.P. ACT PENDING ON THE FILE OF THE I ADDL. CIVIL JUDGE (SR.DN.) AND J.M.F.C. COURT KOLAR.

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

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MAHALAKSHMI B M  
Location: HIGH  
COURT OF  
KARNATAKA



**ORDER**

Accused No.1 in Crime No.253/2023 registered by Kolar Rural Police Station, Kolar for the offences punishable under Sections 498A, 304B read with Section 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act is before this Court under Section 439 of Cr.P.C.

2. Heard the learned counsel for the petitioner and learned HCGP appearing for the respondent-State.

3. The complainant, who is mother of deceased Ambika, had approached Kolar Rural Police Station on 23.05.2023 and lodged a complaint, based on which, FIR in Crime No.253/2023 was registered against the petitioner and his mother for the aforesaid offences. In the complaint, it is averred that deceased Ambika was married to accused No.1 and at the time of marriage, as per the demand made by the accused persons, the complainant and her family members had given dowry to the petitioner herein. From the wedlock, the couple have two small children. It is alleged that after marriage, the



accused persons were continuously harassing and ill-treating Ambika and were demanding dowry. The complainant and his relatives had allegedly advised the petitioner to take care of Ambika, even thereafter he continued to ill-treat Ambika. On 23.05.2023, the complainant was informed over phone that Ambika had died. Immediately, the complainant went to the matrimonial home of her daughter at about 6.30 a.m. on 23.05.2023 and she saw the dead body of her daughter. On enquiry, the complainant came to know that the accused persons had assaulted her daughter Ambika and thereafter strangled her neck and murdered her. It is in this background, the complainant had approached the police and lodged a complaint, which had resulted in registering FIR in crime No.253/2023 against the accused persons for the aforesaid offences.

4. Petitioner was arrested on 23.05.2023 and remanded to the judicial custody. Investigation is complete and charge-sheet has been filed. His bail



application filed before the Court of the I Additional Sessions Judge at Kolar in Crl. Misc. No.766/2023 under Section 439 of Cr.P.C. was rejected on 26.09.2023. Therefore, he is before this Court.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The deceased was suffering from stomach pain and therefore, she had committed suicide. Investigation in the case is complete and accordingly, prays to allow the petition.

6. *Per contra*, learned HCGP appearing for the respondent-State opposed the bail application. He submits that the material on record would go to show that the deceased was constantly torturing deceased in furtherance of the demand made for dowry. Accordingly, he prays to dismiss the petition.

7. From the reading of the complaint averments, it is seen that the marriage of the petitioner and deceased Ambika was solemnized in the year 2018. Though it is



alleged that the petitioners were ill-treating and harassing Ambika in the matrimonial house in furtherance of the demand for payment of dowry, particular of the same are not forth coming in the complaint. As per the complaint averments, on night of 22.05.2023 the accused persons allegedly assaulted deceased Ambika and thereafter strangled her neck with a wire and murdered her. From the post-mortem report, it is seen that the deceased Ambika had not suffered any external injuries on her body and death was as a result of suicide. All the charge-sheet witnesses have stated that the death was due to suicide and Ambika committed suicide by hanging herself using her saree. The investigation in the case is complete and charge-sheet has been filed. The allegations against the accused is required to be proved in a full-fledged trial. The petitioner has no criminal antecedents. He is in custody from 23.05.2023 and he has two small children, aged about 3 years and 1 year, respectively and he is required to take care of the said minor children. Under the



circumstances, the prayer made for grant of bail is required to be answered affirmatively.

Accordingly, the petition is ***allowed***. The petitioner is directed to be enlarged on bail in Crime No.253/2023 of Kolar Rural Police Station registered for the offences punishable under Sections 304B, 498A read with Section 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act, subject to the following conditions:

- a) Petitioner shall execute personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for the likesum, to the satisfaction of the jurisdictional Court;
- b) The petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;
- c) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;
- d) The petitioner shall not involve in similar offences in future;



e) The petitioner shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off.

**Sd/-**  
**JUDGE**

MBM