



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF FEBRUARY, 2024

BEFORE

THE HON'BLE MR JUSTICE RAJENDRA BADAMIKAR
CRIMINAL PETITION NO. 1006 OF 2024

BETWEEN:

AMAR SHASHIKUMAR @ ANOOP,
S/O SHASHIKUMAR PILLAI,
AGED ABOUT 36 YEARS,
R/AT FLAT NO.013, SHIRADI SAI,
CONCORD HEIGHTS APARTMENTS,
N NAGENAHALLI MAIN ROAD,
NEAR NAGENAHALLI BUS STOP,
POST: SHIVARAM KARANTH NAGARA,
BANGALORE - 560 077.

...PETITIONER

(BY SRI. K. PRASANNA SHETTY, ADVOCATE)

AND:

STATE BY KUNDAPURA
RURAL POLICE STATION,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BANGALORE - 560 001.

...RESPONDENT

(BY SRI. NAGESHWARAPPA, HCGP)

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by SOWMYA D

Location: High
Court of
Karnataka

THIS CRL.P IS FILED U/S.438 OF CR.P.C PRAYING TO
ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF HIS
ARREST IN CR.NO.67/2023 OF KUNDAPURA UDUPI FOR THE
OFFENCE P/U/S.506,498-A,504,324 R/W SEC.34 OF IPC AND
SE.3,4 OF DP ACT PENDING ON THE FILE OF THE 1ST
ADDITIONAL CIVIL JUDGE (Jr.Dn.) AND JMFC COURT
KUNDAPURA.



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

ORDER

The petitioner/Accused No.1 has filed this petition under Section 438 of Cr.P.C. seeking anticipatory bail in Kundapura Rural Police Station in Crime No. 67/2023 registered for the offences punishable under Sections 498A, 324, 504, 506 read with Section 34 of IPC and under Section 3 and 4 of Dowry Prohibition Act, 1961.

2. Brief factual matrix of the prosecution case is that, the marriage of the complainant was solemnised with the petitioner/accused No.1 on 27.01.2023 at BEML Kalyana Mandir situated in C V Raman, Bangalore. It is alleged that on 03.06.2022, a demand of Rs.10,00,000/- was made along with 40 pawan gold and same was given at the time of marriage itself. It is alleged that subsequently after the marriage, the petitioner along with his parents subjected the complainant to ill-treatment both physically and mentally and further, demanded Rs.10,00,000/-. It is also alleged that petitioner has



humiliated the complainant and her parents and he got her surety ship for housing loan of Rs.45,00,000/- and it is also alleged that he obtained various loans from various financial institutions as well as on two credit cards in the name of his wife and used the said amount for his personal use.

3. It is also alleged that thereafter on 04.06.2023, she was physically assaulted and threatened and driven out of the house and hence, she alleged to have lodged a complaint on 14.12.2023. Further, the allegations disclose that prior to lodging complaint, on 22.07.2023 a reconciliation was held and she again joined the company of the petitioner, but again on 16.11.2023 she was driven out of the house.

4. On the basis of the complaint, crime was registered in Crime No.67/2023 and FIR was filed. Apprehending his arrest, the petitioner along with his parents approached the learned Sessions Judge, Kundapur seeking anticipatory bail, but the bail petition filed by the



petitioner was rejected, while anticipatory bail was granted to his parents. Hence, he is before this Court.

5. Heard learned counsel for the petitioner, learned HCGP for the Respondent-State and perused the records.

6. The complaint reveals that the marriage of petitioner and the complainant was performed on 27.01.2023 and some allegations were made regarding demand and acceptance of dowry. But on perusal of the complaint, it is evident that the complaint was intelligently drafted by some person having legal knowledge. Apart from that the allegations disclose that the petitioner was initially driven out of the house on 04.06.2023 and after re-conciliation she joined on 22.07.2023 and later on, again on 16.11.2023 she was driven out of the house. But the complaint was lodged on 14.12.2023 after delay of one month.

7. The offences alleged are not exclusively punishable with the sentence of the death or life imprisonment and considering the family dispute between



the parties, in my considered opinion, it is just and proper to enlarge the petitioner on bail, otherwise the reconciliation chances are likely to fail forever, if the petitioner is kept under custody. The other apprehensions raised by learned HCGP can be meted out by imposing certain conditions and hence, the petition needs to be allowed and accordingly, I proceed to pass the following.

ORDER

- (i) The Petition stands allowed.
- ii) The petitioner/Accused No.1 is directed to be enlarged on bail in the event of his arrest in Crime No.67/2023 of Kundapura Rural Police Station, Udupi District, registered for the offences punishable under Sections 506, 498A, 504, 324 r/w Section 34 of IPC and under Section 3 and 4 of Dowry Prohibition Act, 1961, on executing a personal bond for a sum of Rs.50,000/- with one surety, for the like-sum to the satisfaction of the Investigating Officer or the concerned trial Court, subject to following conditions:



- a) Petitioner shall surrender himself before the Investigating Officer within ten days from the date of receipt of a certified copy of this order and in the event of his surrender, Investigating Officer/SHO shall release him on bail as directed.
- b) He shall not directly or indirectly tamper with any of the prosecution witnesses.
- c) He shall not indulge in any similar offences.
- d) He shall make himself available to the Investigating Officer for interrogation whenever called for during course of investigation.
- e) He shall mark his attendance before the Investigating Officer/SHO between 9.00 a.m. and 5.00 p.m. on every Sunday of the month till the final report is submitted.

**Sd/-
JUDGE**

RAK
List No.: 1 SI No.: 42
CT:SNN