IN THE HIGH COURT OF KARNATAKA DHARWAD BENCH

DATED THIS THE 20TH DAY OF MARCH, 2015

BEFORE

THE HON'BLE MRS. JUSTICE RATHNAKALA

CRIMINAL PETITION NO. 100518/2015

BETWEEN:

SATISH SIDDAPPA MASTAMARDI, AGE:26 YEARS, OCC: R/O: BADAL VILLAGE, ANKALAGI, DIST: BELAGAVI

... PETITIONER

(BY SRI: M B GUNDAWADE, ADVOCATE)

AND:

STATE OF KARNATAKA, BY STATE PUBLIC PROSECUTOR, HIGH COURT OF KARNATAKA, DHARWAD BENCH, AT: DHARWAD. THROUGH HIRE BAGEWADI PS.

... RESPONDENT

(BY SRI K.S. PATIL, HIGH COURT GOVERNMENT PLEADER)

THIS CRIMINAL PETITION IS FILED U/S 439 OF CR.P.C. PRAYED THAT THE HON'BLE COURT BE PLEASED TO PASS AN ORDER BY DIRECTING TO

RELEASE THE PETITIONER ON BAIL IN C.C.NO.88/2015, ARISING OUT OF HIRE BAGEWADI P.S.CR.NO.169/2014, FOR THE ALLEGED OFFENCES U/SS. 498A, 304B OF INDIAN PENAL CODE AND SECTIONS 3 AND 4 OF DOWRY PROHIBITION ACT.

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

ORDER

This petition is filed under Section 439 of Cr.P.C. seeking regular bail in crime No.169/2014 of Hire Bagewadi Police Station. He is charge sheeted along with his parents and brother for the offences punishable under Sections 498A and 304B of IPC and Sections 3 and 4 of D.P.Act for the unnatural death of his wife within five months of the marriage.

2. The allegation of the prosecution is:

The accused persons harassed the newly married deceased / wife of the petitioner herein to get gold promised by her parental home during the marriage talks. Unable to bear the torture of the accused, she committed suicide by consuming

poison. While on treatment, she expired in the hospital on 01.11.2014.

- 3. Learned Counsel for the Petitioner submits that the father of this petitioner is enlarged on bail. Accused Nos.2 and 4 are enlarged by order of this Court in Crl.P.No.101967/2014 dated 05.01.2015. All the accused stand on the same footing. As far the allegation of the prosecution is concerned, it is the petitioner who had admitted the deceased to the hospital and informed the matter to the mother of the deceased / complainant. The family members of the deceased had met her and spoke to her in the hospital and had returned to their place. No specific overt act is alleged against the petitioner. Since the charge sheet is filed, he may be enlarged on bail.
- 4. Learned High Court Government Pleader opposes the petition.
- 5. In the backdrop of the fact that the co-accused are enlarged on bail and the role of this petitioner in the alleged

offence is similar to that of the co-accused, there is no impediment to allow the petition, subject to following conditions:-

- i) Petitioner is enlarged on bail in Crime No.169/2014 of Hirebagewadi Police Station on executing a self bond for Rs.1,00,000/-with one surety for the likesum to the satisfaction of the concerned Court.
- ii) He shall co-operate with the Investigating

 Officer during the further course of investigation.
- iii) The petitioner shall not meddle with the prosecution witnesses.

Sd/-JUDGE