

Imran Asadsab Jamadar vs The State Of Karnataka on 24 October, 2024

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NC: 2024:KHC-D:15485
CRL.P No. 103045 of 2024
C/W CRL.P No. 103047 of 2024

IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH
DATED THIS THE 24TH DAY OF OCTOBER, 2024
BEFORE
THE HON'BLE MS. JUSTICE J.M.KHAZI
CRIMINAL PETITION NO.103045 OF 2024
(439(Cr.PC)/483(BNSS))
C/W
CRIMINAL PETITION NO.103047 OF 2024

IN CRL. PETITION NO.103045 OF 2024

BETWEEN:

IMRAN ASADSAB JAMADAR,
AGE. 42 YEARS, OCC. BUSINESS,
R/O. H.NO.4302, JALGAR GALLI,
BELAGAVI-590001.

...PETITIONER

(BY SRI V.M. SHEELVANT, ADVOCATE AND
SRI M.L. VANTI, ADVOCATE FOR PETITIONER)

AND:

THE STATE OF KARNATAKA,
REPRESENTED BY PSI,
KHADEBAZAR POLICE STATION,
BELAGAVI CITY,

Digitally signed by
BHARATHI H M
Location: HIGH
COURT OF
KARNATAKA

RPTD. BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
DHARWAD BENCH, DHARWAD-580001.

...RESPONDENT

(BY SRI ABHISHEK MALIPATIL, HCGP FOR RESPONDENT)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 483 OF
BNSS, SEEKING TO ALLOW THE PETITION DIRECTING THE
RESPONDENT TO RELEASE THE PETITIONER/ACCUSED NO.3 ON BAIL
IN KHADE BAZAR POLICE STATION CRIME NO.55/2024 PENDING ON
THE FILE OF J.M.F.C-III COURT, BELAGAVI, REGISTERED FOR THE
OFFENCES PUNISHABLE UNDER SECTIONS 309(6), 123, 333,
126(2), 115(2), 127(4), 75(2), 78(2), 352, 351(2), 3(6) OF BNS
2023 AND UNDER SECTION 25 OF THE INDIAN ARMS ACT-1959, IN
THE INTEREST OF JUSTICE.

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NC: 2024:KHC-D:15485

CRL.P No. 103045 of 2024
C/W CRL.P No. 103047 of 2024

IN CRL. PETITION NO.103047 OF 2024
BETWEEN:

1. PHUPINDER SINGH @ PRITHVI SINGH
S/O. SANTOK SINGH LUDHAR,
AGE. 45 YEARS, OCC. BUSINESS,
R/O. PLOT NO.261, CTS NO.3237,
BEHIND HINDALGA GANPATI TEMPLE,
JAY NAGAR, BELAGAVI-590001.
2. JASVEER SINGH S/O. PHUPINDER SINGH LUDHAR,
AGE. 22 YEARS, OCC. STUDENT,
R/O. PLOT NO.261, CTS NO.3237,
BEHIND HINDALGA GANPATI TEMPLE,
JAY NAGAR, BELAGAVI-590001.

...PETITIONERS

(BY SRI V.M. SHEELVANT, ADVOCATE AND
SRI M.L. VANTI, ADVOCATE FOR PETITIONERS)

AND:

THE STATE OF KARNATAKA,
REPRESENTED BY PSI,
KHADE BAZAR POLICE STATION,
BELAGAVI CITY,
RPTD. BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
DHARWAD BENCH, DHARWAD.

...RESPONDENT

(BY SRI ABHISHEK MALIPATIL, HCGP FOR RESPONDENT)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF
BNSS, SEEKING TO ALLOW THE PETITION DIRECTING THE
RESPONDENT TO RELEASE THE PETITIONERS/ACCUSED NO.1 AND 2
ON BAIL IN THE EVENT OF THEIR ARREST IN KHADE BAZAR POLICE
STATION CRIME NO.55/2024 PENDING ON THE FILE OF J.M.F.C-III
COURT, BELAGAVI, REGISTERED FOR THE OFFENCES PUNISHABLE
UNDER SECTIONS 309(6), 123, 333, 126(2), 115(2), 127(4), 75(2),
78(2), 352, 351(2), 3(6) OF BNS 2023 AND UNDER SECTION 25 OF
THE INDIAN ARMS ACT-1959, IN THE INTEREST OF JUSTICE.

THESE CRIMINAL PETITIONS, COMING ON FOR DICTATING
ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

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NC: 2024:KHC-D:15485
CRL.P No. 103045 of 2024
C/W CRL.P No. 103047 of 2024

CORAM: THE HON'BLE MS. JUSTICE J.M.KHAZI

ORAL ORDER

(PER: THE HON'BLE MS. JUSTICE J.M.KHAZI) Since these two petitions are arising out of the same crime number, they are clubbed together and disposed of by a common order.

2. While Crl.P.No.103047/2024 is filed by accused Nos.1 and 2 for regular bail, Crl.P.No.103045/2024 is filed by accused No.3 seeking anticipatory bail.

3. In support of their petitions, the petitioners have contended that petitioner No.1 brought the complainant to his house and gave her education as his daughter. He also performed her marriage by bearing the expenses. Now she has filed a complaint making false allegations. She has filed the complaint at the behest of her husband and in-laws with oblique motive to escape from the liability of repaying Rs.5,00,000/- to accused No.1. In fact, in C.C.No.81/2024 which came to be disposed off before the Lok Adalath, the complainant has NC: 2024:KHC-D:15485 agreed to pay back the said amount. When complainant has consumed poison, accused Nos.1 and 2 helped by admitting her to the hospital. In this regard, in-laws have filed criminal complaint against accused Nos.1 and 2 and complainant, wherein they have secured bail. With a hope to lead her marital life with her husband, complainant has become hostile towards accused Nos.1 and 2 and filed false complaint. When the alleged incident of accused No.1 giving threat to complainant by showing her a gun, it was not with him and it was given to the concerned authorities for renewing licence.

4. Sofar as accused No.3 is concerned, the allegations against him are that on the instruction of accused No.1, he followed her and kept surveillance. His custodial presence is not required for investigation and prays to allow the petitions and release them on bail.

5. Learned HCGP submitted oral objections stating that complainant who is aged 19 years used to work with accused No.1 in the foundation run by him. Though he is NC: 2024:KHC-D:15485 not related to the complainant, when financial condition of her family was not good, promising to take care of her education, he kept the complainant in his house. She used to go to Saint Paul's PU College. She fell in love with her senior Ganesh. A quarrel started between accused No.1 and his wife and therefore, he planned to perform marriage of the complainant with Ganesh and forcibly performed their marriage. Thereafter, complainant started living in her husband's house, but accused No.1 kept an eye on her. Later accused No.1 started visiting her matrimonial home and induced her husband and in-laws to quarrel with her by showing her old photographs. On one day, when the complainant visited the house of accused No.1 and when she was alone, accused No.2 came there and try to sexually assault her. She escaped from his clutches with great difficulty. When suddenly his wife came, accused No.2 also hit her.

5.1 When the mother-in-law of the complainant stop sending her to the house of accused No.1, he

started NC: 2024:KHC-D:15485 demanding back the money which he had given for the education of the complainant and daily expenses. Even he hit the mother-in-law of the complainant. Accused No.1 also filed a criminal case alleging that he has given Rs.5,00,000/- to the complainant. Accused No.1 demanded the husband of the complainant to send her to sleep with him in order to redeem the money given by him. Accused No.1 hit the mother-in-law and father-in-law of the complainant and tried to take away the DVR containing the CCTV footage, but did not succeed.

5.2 When complainant went to her mother's place at Bhadkal Galli, accused No.3 used to stand near the house and follow her wherever the complainant used to go. When the complainant failed to attend the first hearing and she was arrested, accused No.1 met her and advised her to file a criminal complaint against her husband and in-laws. Accused No.1 took the complainant to his house and forced her to consume poison i.e., Laxmanrekha. He along with accused No.4 shifted her to hospital on NC: 2024:KHC-D:15485 14.07.2024 and made her to file complaint against husband and in-laws. From the hospital, he took her to his house and confined her taking away her cell phone. Accused No.2 also tried to sexually assault her.

5.3 After one month, the complainant went to her uncle's house at Gondhalli Galli. While she was there, accused No.1 used to make video calls. On 29.08.2024, accused No.1 took her to his house and made her to tie rakhi to him and his son Rajveer. On 21.08.2024, accused No.2 Jasveer Singh dropped her to her uncle's house. Then complainant went to Vadagaon to take help from her husband's uncle Paramesh Kyarkatti. Even she unsuccessfully tried to meet the Commissioner. When she returned to her uncle's house at 8.00 p.m., accused No.2 came to her house and demanded as to why she is not picking up calls of accused No.1. When she tried to make a call, he hit her on the head and took away her cell phone. Earlier when she left the house of the accused, accused No.2 had taken away her sim card bearing NC: 2024:KHC-D:15485 Nos.9513883401 and 7676790892 and gave new cell phone One Plus Nord CE2 Lite worth Rs.20,000/-.

5.4 Based on the complaint, the concerned police have registered the case in crime No.55/2024 against accused Nos.1 to 4 for the offences punishable under Sections 309(6), 123, 333, 126(2), 115(2), 127(4), 75(2), 78(2) 352, 351(2), 3(6) of BNS, 2023 and taken up investigation. The allegations made against the accused persons are very grave. In the event of granting bail, petitioners may threaten or tamper with the witnesses. They may also abscond and thereby delay and defeat the trial and pray to dismiss the petitions.

6. Heard arguments and perused the records.

7. It is pertinent to note that complainant is a young woman aged 19 years. It is the specific case of the prosecution that due to the poverty of her parents, accused No.1 offered to take care of her and her education. Even he performed her marriage with her NC: 2024:KHC-D:15485 boyfriend Ganesh and thereafter started harassing and ill- treating her. He and accused No.2 tried to sexually exploit her. He even made complainant to file false complaints against her in-laws. The allegations against accused No.3 is that on the instruction of accused No.1 he used to keep surveillance on her and follow her.

8. The accused have made allegations against the complainant that after her marriage, to escape from the liability of repaying Rs.5,00,000/- taken from accused No.1, at the instigation of her in-laws, the complainant has chosen to file the false complaint. Petitioners have also produced the complaint given by the present complainant against her husband and in-laws in crime No.40/2024 and complaint filed by father-in-law of the complainant against the complainant, accused Nos.1 and 2 herein and others in crime No.69/2024 wherein he alleges that complainant is addicted to drugs and for this reason used to stay with accused No.1 and all of them forced his son to marry the complainant etc.

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9. Any how, all these allegations are required to be proved at the trial. Accused No.3 arrested on 23.08.2024. Having regard to the nature of the allegations made in the complaint, by now it would be reasonable to expect that investigation has progressed sufficiently. Therefore, this court is of the considered opinion that accused Nos.1 and 2 are entitled for anticipatory bail.

10. So far as accused No.3 is concerned, the specific allegation against him is that he used to keep surveillance against the complainant and follow her. Apart from this, there are no other allegations against him requiring his custodial presence for interrogation. For this reason this court is of the considered opinion that accused No.3 is entitled for regular bail.

11. Of course there is apprehension on the part of the prosecution that the accused Nos.1 to 3 may threaten or tamper with the witnesses, which may overcome by imposing stringent conditions and accordingly, the following;

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NC: 2024:KHC-D:15485 CrI.P.No.103047/2024 filed by petitioners/accused Nos.1 and 2 is allowed. Petitioners/accused Nos.1 and 2 shall be released on bail, in the event of their arrest in Crime No.55/2024 of Khadebazar Police Station for the offence punishable under Sections 309(6), 123, 333, 126(2), 115(2), 127(4), 75(2), 78(2) 352, 351(2), 3(6) of BNS, 2023 and under Section 25 of the Indian Arms Act, 1959, subject to following:

CONDITIONS

- a) The petitioners/accused Nos.1 and 2 shall execute a personal bond in a sum of Rs.50,000/- each with two sureties each for the like-sum.
- b) They shall appear before the investigating officer within a period of 15 days and execute the bail bond and offer surety.

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- c) They shall make himself available for the purpose of investigation as and when required and he shall co-operate with the investigation.
- d) They shall furnish his residential address proof and shall inform the investigating officer/Court if there is any change in the address.
- e) They shall mark his attendance at the Jurisdictional Police Station once in 15 days till filing of the charge sheet.
- f) They shall not tamper with the prosecution witnesses either directly or indirectly.
- g) They shall not indulge in any criminal activities.
- h) They shall be regular in attending the Court proceedings.

ORDER ON CRL.P.NO.103045/2024

CONDITIONS

Crl.P.No.103045/2024		filed	by
petitioner/accused	No.3	is	allowed.
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Petitioner/accused No.3 is released on bail in Crime No.55/2024 of Khadebazar Police Station for the offence punishable under Sections 309(6), 123, 333, 126(2), 115(2), 127(4), 75(2), 78(2) 352, 351(2), 3(6) of BNS, 2023, subject to following:

- a) The petitioner/accused No.3 shall execute a personal bond in a sum of Rs.50,000/- with two sureties for the like-sum.
- b) He shall make himself available for the purpose of investigation as and when required and he shall co-operate with the investigation.
- c) He shall furnish his residential address proof and shall inform the investigating officer/Court if there is any change in the address.

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d) He shall not threaten or tamper with the prosecution witnesses either directly or indirectly.

e) He shall not indulge in any criminal activities.

f) He shall be regular in attending the Court proceedings.

Sd/-

(J.M.KHAZI) JUDGE MBS, CT: UMD