

Smt Roopini S @ Roopa vs State Of Karnataka on 14 December, 2021

Author: K. Natarajan

Bench: K. Natarajan

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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF DECEMBER, 2021

BEFORE

THE HON'BLE MR. JUSTICE K. NATARAJAN

CRIMINAL PETITION NO.9103 OF 2021 C/W
CRIMINAL PETITION NO.9029 OF 2021

IN CRIMINAL PETITION NO.9103 OF 2021

BETWEEN:

1. SRI. SUBBARAYAPPA
S/O SRI. RAMAPPA S.
AGED ABOUT 59 YEARS

2. SMT. VIJAYALAKSHMI
W/O SUBBARAYAPPA
AGED ABOUT 53 YEARS

BOTH ARE R/AT NO.14
JAYANNA LAYOUT
MARUTHI NAGAR
KOGILU ROAD, YELAHANKA
BENGALURU - 560 064 ... PETITIONERS

(BY SRI.VINAY HEGDE, ADV.)

AND:

1. STATE OF KARNATAKA
BY KAMAKSHIPALYA PS
BENGALURU, REP. BY
GOVERNMENT PLEADER

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HIGH COURT BENGALURU
BENGALURU - 560 001

2. SRI. RADHAKRISHNA
S/O SRI. V. ANJANAPPA
AGED ABOUT 66 YEARS
R/AT NO.46, 1ST FLOOR
5TH MAIN, HVR LAYOUT
KAMAKSHIPALYA
BENGALURU - 560 079

(AMENDMENT CARRIED OUT
AS PER ORDER DATED 4.12.2021)

... RESPONDENTS

(BY SRI.MAHESH SHETTY, HCGP FOR R1;
SMT. BHANU PRABHA, ADV. FOR;
SRI. P. NITHYANANADA MURTHY, ADV. FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER
SECTION 438 OF CR.P.C., PRAYING TO ENLARGE THE
PETITIONERS ON BAIL IN THE EVENT OF THEIR
ARREST IN CRIME NO.301/2021 OF KAMAKSHIPALYA
P.S., BENGALURU CITY FOR THE OFFENCE
PUNISHABLE UNDER SECTIONS 498-A, 304-B READ
WITH SECTION 34 OF IPC AND SECTIONS 3 AND 4 OF
DOWRY PROHIBITION ACT.

IN CRIMINAL PETITION NO.9029 OF 2021

BETWEEN:

1. SMT. ROOPINI S. @ ROOPA
W/O JANAKIRAM N.
AGED ABOUT 28 YEARS

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2. SRI. JANAKIRAM N. @ RAM
S/O NAGARAJ CM
AGED ABOUT 31 YEARS

BOTH R/AT NO.22
10TH MAIN, NEAR J.S. SUNFLOWER
APARTMENT, ANANTHAPURA
YELAHANKA, BENGALURU - 560 064

... PETITIONERS

(BY SRI.VINAY S. HEGDE, ADV.)

AND:

1. STATE OF KARNATAKA
BY KAMAKSHIPALYA PS
BENGALURU, REP. BY

GOVERNMENT PLEADER
HIGH COURT BENGALURU
BENGALURU - 560 001

2. SRI. RADHAKRISHNA
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DOWRY PROHIBITION ACT.

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

ORDER

Crl.P.No.9103/2021 is filed by the accused Nos.2 and 3 and Crl.P.No.9029/2021 is filed by the accused Nos.4 and 5 under Section 438 of Cr.P.C. for granting anticipatory bail in Crime No.301/2021 registered by Kamakshipalya Police Station for the offences punishable under Sections 498A, 304B and 34 of IPC.

2. Heard learned counsel for the petitioners, learned HCGP for the State and learned counsel for the de-facto complainant.

3. The case of the prosecution is that on the complaint of one Radhakrishna, who is father of the deceased lodged a complaint on 21.10.2021 alleging that his second daughter Smt.Haripriya had given in marriage with accused No.1 i.e., Kumaraswamy on 27.01.2020 and at the time of marriage he has given 20 gram gold Bracelet, 34 gram gold chain and 10 gram gold ring along with Rs.50,000/- cash to accused No.1 and apart from that 1 kg silver articles and 250 gram gold

ornaments were given to his daughter. Their engagement was performed on 05.08.2019 and subsequently, their marriage was performed on 27.01.2020 by spending Rs.30,00,000/- towards marriage expenses. They looked after deceased very well for five months and later on accused No.4 - Smt.Roopini S. @ Roopa, the younger sister of accused No.1 came for maternity and at that time onwards accused persons started harassing the deceased by asking her entire salary and also demanded dowry. The golden ornaments which is given at the time of marriage is said to be pledged by accused No.1 and all the accused persons harassed the deceased physically and mentally. Therefore, on 20.10.2021, his daughter who was staying in his house committed suicide by leaving death note stating that accused persons were responsible for her death. After registering the case, the Police have apprehended accused No.1 and petitioners - accused Nos.2 to 5 approached the Sessions Court for granting bail but the same was rejected. Hence, the petitioners are before this Court.

4. Learned counsel for the petitioners contended that petitioners are innocent and they have not involved in the commission of offence. Accused No.4 is the sister of accused No.1 and she came for delivery purpose and they were not residing in the said address. It is further contended that victim has committed suicide in her parents' house and statement was recorded by the Doctor wherein she has stated that her grandfather had expired and as her mother was in depression she had been to her parents house to look after her mother by getting the consent of accused persons by force. As her mother asked her to go back to her in-laws house, she has committed suicide. Further, she has not contended anything about harassment given by the accused persons and just a month prior to the present incident, counseling was also done and death note of the deceased is sent to FSL report.

5. Per contra, learned HCGP has objected the bail petition and contended that the petitioners are required for custodial interrogation. Hence, prayed for dismissal of the bail petition.

6. The learned counsel for the de-facto complainant has also stated that accused persons have demanded further dowry for purchasing the flat and have given mental and physical harassment of the deceased and thereby prayed for rejecting the bail petition.

7. Having heard the learned counsel for the petitioners and learned HCGP, looking to the records, it is admitted fact that the victim has committed suicide on 12.09.2021 and her statement was also recorded in the hospital and she has left death note but not stated any harassment given by the accused persons. The deceased was staying in her parents house at the time of her death. Copy of the death note is not produced by the State as it is sent for FSL report. The deceased has not stated anywhere about the harassment given by the accused persons and about the accused No.1 has pledged the golden ornaments of deceased and also about demanding to give her entire salary. The main allegation goes against accused No.1, who is husband of the deceased and he has been already arrested. The allegation against accused Nos.2 to 5 is not so serious and it is stated that death note does not reveals actual cause for deceased committing suicide. By looking to the facts and circumstances of the case, the offences alleged are neither punishable with death or imprisonment for life.

8. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, if the petitioners are granted bail by imposing certain conditions, no prejudice would be caused to the case of the prosecution. Hence, I pass the following order:

ORDER The Criminal Petitions are allowed.

The respondent No.1 - Police is directed to release the petitioners on bail in the event of their arrest in Crime No.301/2021 registered by the Kamakshipalya Police Station for the offences punishable under 498A, 304B and 34 of IPC, subject to the following conditions;

(i) Petitioners shall execute a personal bond for a sum of Rs.2,00,000/- each (Rupees Two Lakhs only) with two sureties for the likesum to the satisfaction of the Investigating Officer.

(ii) Petitioners shall surrender within 15 days from the date of receipt of certified copy of this order;

(iii) Petitioners shall not directly or indirectly tamper with any of the prosecution witnesses;

(iv) Petitioners shall be deemed to be in

custody for the purpose of recovery under Section 27 of the Indian Evidence Act.

(v) Petitioners shall appear before the Investigating Officer and mark their attendance on every Monday between 10.00 a.m. and 4.00 p.m. for a period of four months or till filing of the charge sheet whichever is later.

If any of the conditions are violated, the prosecution is at liberty to file an application for cancellation of bail.

Sd/-

JUDGE MH/-