

# **Smt Seethamma vs State By Subramanya Police Station on 10 October, 2022**

**Author: Rajendra Badamikar**

**Bench: Rajendra Badamikar**

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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF OCTOBER, 2022

BEFORE

THE HON'BLE MR. JUSTICE RAJENDRA BADAMIKAR

CRIMINAL PETITION NO. 7281 /2022

BETWEEN:

1. SMT SEETHAMMA  
W/O CHINNAPPA GOWDA,  
AGED ABOUT 67 YEARS,  
RESIDING AT THALUR HOUSE,  
DEVACHALLA VILLAGE,  
SULLIA TALUK,  
D.K. 574248.
2. SRI JAYAPRAKASH  
S/O CHINNAPPA GOWDA,  
AGED ABOUT 36 YEARS,  
RESIDING AT THALUR HOUSE,  
DEVACHALLA VILLAGE,  
SULLIA TALUK,  
D.K. 574248.
3. SMT NISHMITHA B K  
W/O JAYAPRAKASH,  
AGED ABOUT 24YEARS,  
RESIDING AT THALUR HOUSE,  
DEVACHALLA VILLAGE,  
SULLIA TALUK,  
D.K. 574248.

...PETITIONERS

(BY SRI.RAJESH RAI, ADVOCATE)

AND:

STATE BY SUBRAMANYA POLICE STATION  
KADABA TALUK, D.K.DISTRICT,  
REPRESENTED BY STATE PUBLIC PROSECUTOR,

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HIGH COURT COMPLEX,  
BANGALORE-560001.

. . .RESPONDENT

(BY SMT. RASHMI JADHAV, HCGP)

THIS CRL.P FILED U/S.438 CR.P.C BY THE ADVOCATE  
FOR THE PETITIONER PRAYING THAT THIS HONOURABLE  
COURT MAY BE PLEASED TO ENLARGE THE PETITIONER ON  
BAIL IN THE EVENT OF THEIR ARREST IN CR.NO.67/2022 OF  
SUBRAMANYA P.S., D.K.,DISTRICT FOR THE OFFENCE P/U/S  
304B,306 OF IPC PENDING ON THE FILE OF THE PRL. CIVIL  
JUDGE (Jr.Dn) AND JMFC, SULLIA D.K DISTRICT AND ETC.

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

#### ORDER

This petition is filed by the petitioners under Section 438 of Cr.P.C. seeking anticipatory bail in Crime No.67/2022 of Subramanya Police Station, registered for the offences punishable under Sections 304 (B) and 306 of IPC, pending on the file of V Additional District and Sessions Judge, D.K., Mangaluru in Crl.Misc.No.5145/2022.

2. The brief factual matrix leading to the case are that the petitioner No.1 is the mother-in-law of the deceased and petitioner Nos.2 and 3 are the brother-in- law and sister-in-law of the deceased.

3. It is the case of prosecution that, the deceased Geetha was married to Dayananda about five years back and they had a child. It is also asserted that the petitioners used to ill-treat the deceased all along and they never used to conversant with her and hence, she was compelled to commit suicide by jumping into the pond along with her minor child. However, she died though the villagers tried to rescue her but the child was survived and was treated. In this regard, the complaint came to be filed on 29.06.2022. The petitioners alleged to have committed offences punishable under Sections 304 (B) and 306 of IPC. The petitioners apprehending their arrest have approached the learned Sessions Judge seeking anticipatory bail and learned sessions judge has rejected the bail petition only on the ground that the offences are triable by Court of Session. Being aggrieved by this order of rejection of anticipatory bail, the petitioners are before this Court.

4. Heard the learned counsel for the petitioners and the learned High Court Government Pleader for the respondent-State. Perused the records.

5. Learned counsel for the petitioners would submit that the deceased alleged to have committed suicide by jumping into the pond but in the entire complaint or in the records, there is no reference of demand of dowry and the only allegation is that non coordination between the petitioners and the deceased as they used to avoid conversing with the deceased. He would also contend that the husband is spared and only the petitioners have been targeted. He would further asserted that petitioner No.1 being the mother-in-law of the deceased used to take care of the minor child as the deceased and other two petitioners used to attend the work and there is no question of demand of dowry and no allegations of dowry are forthcoming. Hence, he would seek for admitting the petitioners on anticipatory bail subject to any reasonable conditions to be imposed.

7. Per contra, the learned HCGP has seriously oppose the bail petition contending that there is specific allegation regarding harassment and hence, she would seek for rejection of the bail petition.

8. On perusal of the records, it is evident that the marriage between the deceased and Dayananda was solemnized about five years back. Further, the records disclosed that the deceased was working as junior office assistant at Nehru Memorial College. It is also evident that petitioner No.2 is also employed in a Co-operative Society and as such, petitioner No.1 alone was taking care of the minor child in the home as all the other petitioners, deceased as well as the husband of the deceased used to attend the work.

9. Further, on perusal of the complaint allegations, it is evident that there is no allegation regarding demand of dowry. There is an allegation made regarding harassment but there is no evidence as to what kind of harassment is being caused. Further, the alleged offences are said to have been committed on 29.06.2022 and till today, no final report has been submitted by the Investigating Officer. Interestingly, the husband is spared and the complainant did not target the husband of deceased and the vague allegations have been made against the petitioners. It is also evident that no complaint is made regarding dowry harassment and the only allegation is that they used to quarrel with the deceased for silly reasons and they used to stop conversing with the deceased. Merely because the petitioners used to stop conversing with the deceased and they had harassed her, it does not mean that petitioners have instigated her to commit suicide.

10. Apart from that, learned counsel for the petitioners has also produced the certified copy of spot mahazar, wherein it is evident that while drawing the spot mahazar, a death note was also seized. On perusal of the death note, it is evident that no allegation of dowry harassment was made.

11. Looking into these facts and circumstances, I do not find any reasons for rejecting the bail petition. Hence, the petition needs to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following:-

ORDER The petition is allowed. The petitioners are directed to be enlarged on anticipatory bail in the event of their arrest in Crime No.67/2022 of Subramanya Police Station, Kadaba registered for the offences punishable under Sections 304 (B) and 306 of IPC, executing a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakhs only) each with two sureties for the like-sum to the satisfaction of the trial

Court, subject to the following conditions that,-

- i) They shall not indulge in any of the criminal activities
- ii) They shall not tamper the prosecution

witnesses either directly or indirectly.

iii) They shall not leave the jurisdiction of the Court, without prior permission

iv) They shall attend the Court on all the dates of hearing, unless they are exempted by a specific order.

v) They shall co-operate for speedy disposal of the matter

vi) They shall appear before investigation officer whenever so directed during course of investigation.

vii) They shall surrender before concerned investigation officer within 15 days from date of receipt of certified copy of this order and in the event of their surrender investigation officer shall release them on bail as directed.

Sd/-

JUDGE hdk