

Sri Hariprasad vs State By K R Puram Police Station on 18 January, 2019

CRL.P.No.8414/2018

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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF JANUARY 2019

BEFORE

THE HON'BLE MRS. JUSTICE K. S. MUDAGAL

CRIMINAL PETITION NO.8414/2018

BETWEEN:

SRI HARIPRASAD
S/O CHANDRASEKARAN,
AGED ABOUT 24 YEARS,
R/AT: SITE NO.24, 1ST CROSS,
NEAR AIYAPPA TEMPLE,
JAIJAVAN NAGAR,
SUBBAYYANA PALYA,
MARUTHI SEVANAGAR,
BANASWADI,
BENGALURU-560 043.

...PETITIONER

(BY SRI HANUMANTHARAYA D., ADV.,)

AND:

STATE
BY K.R.PURAM POLICE STATION,
BENGALURU,
REP. BY SPP,
HIGH COURT BUILDING,
BENGALURU-560 001.

...RESPONDENT

(BY SRI K.P.YOGANNA, HCGP)

CRL.P.No.8414/2018

THIS CRIMINAL PETITION IS FILED UNDER SECTION 438 OF CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF HIS ARREST IN CRIME NO.528/2018 OF K.R.PURAM POLICE STATION, BANGALORE CITY, FOR THE OFFENCE P/U/S 498A, 315, 323, 363, 420, 504, 506 OF IPC.

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

ORDER

The petitioner is accused No.1 in Crime No.528/2018 of K.R.Puram Police Station. The said case is registered against the petitioner and two others for the offences punishable under Sections 323, 504, 506, 420, 315, 498A and 363 of IPC on the basis of the complaint by his wife 'X' (for the purpose of confidentiality complainant is referred to as 'X').

2. On the basis of the complaint filed by 'X' in Crime No.152/2014 in Bharati Nagara Police Station, the petitioner was tried in S.C.No.762/2014 on the file of LIII Addl. City Civil and Sessions Judge, Bengaluru, for the offences punishable under Sections 376 and 417 of IPC and on 29.06.2017 he was convicted for the said charges and sentenced to rigorous imprisonment of eight years and fine of Rs.1,00,000/- etc.

3. The petitioner challenged the said order before this Court in Crl.A.No.1126/2017. In the said appeal, this Court suspended the said order of conviction and sentence passed in S.C.No.762/2014 and granted bail to the petitioner on 02.08.2017.

4. Thereafter, on 24.07.2017 the petitioner married 'X'. Then she filed the present complaint on 14.10.2018 alleging that the petitioner kidnapped and married her only to get over the order of conviction and sentence in the earlier case and the accused subjected her to physical and mental cruelty forcing that she should abandon the petitioner and commit suicide. She further alleged that when she was five months pregnant accused administered her lizol and attempted to kill her and the baby. She further alleged that when the child was seven months old, the petitioner has deserted her and accused are pressuring her to give divorce.

5. The learned counsel for the petitioner by producing the marriage registration certificate submits that the marriage was voluntary one and the allegations of kidnapping are all false.

6. No doubt, none of the offences alleged against the petitioner are punishable with death or imprisonment for life. However, while granting anticipatory bail, the Court has to take into consideration the antecedents of the applicant, including the fact of his previous conviction on account of cognizable case.

7. The very fact that even after the conviction and sentence, the petitioner persuaded the victim to

marry her and on that ground secured bail shows that the petitioner has the tendency of tampering the witnesses. As per the case diary records, again the petitioner is harassing the victim to get rid of her. Under these circumstances, it is not a fit case to grant anticipatory bail.

Hence, petition is dismissed.

Sd/-

JUDGE PB