

# Kiran M D @ Venu vs The State Of Karnataka on 24 September, 2019

**Author: K.N.Phaneendra**

**Bench: K.N. Phaneendra**

1

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF SEPTEMBER 2019

BEFORE

THE HON' BLE MR. JUSTICE K.N. PHANEENDRA

CRIMINAL PETITION NO. 6585 OF 2019

BETWEEN:

1. KIRAN M D @ VENU  
S/O DHARNESH,  
AGED ABOUT 25 YEARS,  
R/AT PAPANAGHATTA VILLAGE,  
KAREHALLI POST,  
BAGUR HOBLI,  
CHANNARAYAPATNA TALUK,  
HASSAN DISTRICT-573116
2. DHARANESH  
S/O LATE SHIVANNA,  
AGED ABOUT 52 YEARS,  
R/AT PAPANAGHATTA VILLAGE,  
KAREHALLI POST, BAGUR HOBLI,  
CHANNARAYAPATNA TALUK,  
HASSAN DISTRICT-573116
3. SMT. TAARAKSHAMMA  
W/O DHARANESHA,  
AGED ABOUT 48 YEARS,  
R/AT PAPANAGHATTA VILLAGE,  
KAREHALLI POST, BAGUR HOBLI,

2

CHANNARAYAPATNA TALUK,  
HASSAN DISTRICT-573116

4. SHANMUKHAIAH  
S/O LATE SHIVANNA,  
AGED ABOUT 48 YEARS,  
R/AT J MALLENAHALLI VILLAGE,  
HUNASEGHATTA POST,  
NONAVINAKERE HOBLI,  
TIPATURU TALUK,  
TUMKUR DISTRICT-572224

... PETITIONERS

(BY SRI. CHANDRASHEKARA K.A., ADVOCATE)

AND

THE STATE OF KARNATAKA  
BY THE POLICE OF  
CHANNARAYAPATANA RURAL POLICE STATION,  
HASSAN DISTRICT-573116  
REPRESENTED BY SPP  
HIGH COURT OF KARNATAKA,  
BENGALORE-560001

... RESPONDENT

(BY SRI ROHITH B.J., HCGP FOR THE STATE;  
SRI C.N. KESHAVAMUTHY, ADVOCATE FOR THE  
COMPLAINANT)

THIS CRIMINAL PETITION IS FILED U/S.438 OF  
CR.P.C., PRAYING TO ENLARGE THE PETITIONERS ON  
BAIL IN THE EVENT OF THEIR ARREST IN  
CR.NO.106/2019 OF NUGGEHALLI P.S., HASSAN FOR  
THE OFFENCE P/U/SS.498A, 504, 323, 324 AND 506

3

R/W. SECTION 34 OF IPC AND SECTIONS 3 AND 4 OF  
D.P. ACT.

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

#### ORDER

Learned counsel Sri C.N. Keshavamurthy, for the complainant, filed an application under Section 302 of Sub-Clause (2) of Cr.P.C., seeking permission to assist the learned HCGP on behalf of the complainant.

2. The said submission is not objected by both the sides. Hence, the same is allowed. The learned counsel is permitted to assist the learned HCGP.

3. Heard the learned counsel for the petitioner and the learned HCGP for the respondent-State. Perused the records.

4. The petitioners are arraigned as accused Nos.1 to 4 in Crime No.106/2019 for the offences under Sections 498A, 504, 323, 324, 506 read with Section 34 of IPC and also under Sections 3 and 4 of Dowry Prohibition Act, 1961.

5. The brief allegations are that petitioner No.1 is no other than the husband of the complainant - Abhinaya. It is alleged that their marriage took place on 05.09.2018 and at that time some gold and cash were taken by the petitioners in consideration of the marriage. There was some difference between the husband and wife after three months of marriage and it is alleged that in demand of dowry there was ill-treatment and harassment by the accused persons. There was complaint on 23.03.2019 in this regard. Again, there was compromise between the parties in the office of the Superintendent of Police at Hassan and again the accused persons did not take care of the complainant. In this context, the complainant and others had been to the house of the accused persons and on 06.08.2018 at about 11.00 a.m., it is alleged that on that particular point of time all the accused persons have started abusing the complainant and they also assaulted her with their hands and accused No.1 - Kiran, who is husband of the complainant has assaulted the complainant with knife etc. and thereafter she was admitted to the hospital and she has taken treatment. The injuries found to be simple in nature. The petitioners have approached the Sessions Court for grant of anticipatory bail as the same was rejected, they are before this Court.

6. Learned counsel for the petitioners brought to the notice of this Court by means of various documents to show that there was also a civil suit between the parties in O.S. No.311/2019 and an injunction order was granted in favour of petitioner No.2 against the accused persons and in fact the complainant - wife of petitioner No.1 also filed a petition under Domestic Violence Act in C.Misc. No.252/2019 on 11.07.2019 and sought for the maintenance. Apart from that there is allegations that on 06.08.2019 when the petitioners had been to the house of the complainant there they in fact assaulted them and abused them with filthy language and also threatened them with dire consequences and in this regard there was a case record against them in Criminal Petition No.108/2019. The said facts and circumstances disclose that after the differences arose between the husband the wife the petitioners and the complainant are seeking opportunities to file civil and criminal cases against each other. Therefore, under the above said circumstances, the happening of the events has to be tested during the course of full dressed trial whether those incidents were actually happened as stated in the complaint lodged by both the parties before the same police which were registered against each other. Considering the nature of allegations and facts of the case and there are simple injuries sustained by the complainant, in my opinion in order to enable the parties to explore the possibility of the settlement among themselves as the matter arisen out of the family dispute i.e. matrimonial disputes, it is fit case where in my opinion instead of further creating any creation and conclusion between the parties, it is just and necessary to enlarge the petitioner on bail on stringent conditions. Hence, the following:

ORDER The petition is allowed. Consequently, the petitioners shall be released on bail in the event of their arrest in connection with Crime No. 106/2019 of Nuggehalli

Police Station, subject to the following conditions:-

i) The petitioners shall surrender themselves before the Investigating Officer within Ten days from the date of receipt of a certified copy of this order and each of them shall execute personal bond for a sum of Rs.50,000/-

(Rupees: Fifty Thousand Only) with one surety for the like-sum to the satisfaction of the concerned Investigating Officer.

ii) The petitioners shall not indulge in hampering the investigation or tampering the prosecution witnesses.

iii) The petitioners shall co-operate with the Investigating Officer to complete the investigation, and they shall appear before the Investigating Officer as and when called for.

iv) The petitioners shall not leave the jurisdiction of the Investigating Officer without prior permission, till the charge sheet is filed or for a period of three months whichever is earlier.

v) The petitioners shall mark their attendance once in a week i.e., on every Sunday between 10.00 am and 5.00 pm., before the Investigating Officer for a period of two months or till the charge sheet is filed, whichever is earlier.

Sd/-

JUDGE Sbs\*