

# Naveen S/O Mallappa Koppad vs The State Of Karnataka on 15 December, 2022

**Author: Shivashankar Amarannavar**

**Bench: Shivashankar Amarannavar**

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CRL.P No. 103931 of 2022  
c/w CRL.P.No.103933/2022

IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH  
DATED THIS THE 15TH DAY OF DECEMBER 2022  
BEFORE  
THE HON'BLE MR JUSTICE SHIVASHANKAR AMARANNAVAR  
CRIMINAL PETITION NO. 103931 OF 2022  
C/W CRIMINAL PETITION NO. 103933 OF 2022

IN CRL.P No.103931/2022  
BETWEEN:

NAVEEN S/O MALLAPPA KOPPAD  
AGE. 25 YEARS, OCC. COOLIE,  
R/O. HALESHIDENUR,  
TQ. BYADGI, DIST. HAVERI PIN 581106.

...PETITIONER

(BY SRI. SADIK KANVI, ADVOCATE)

AND:

THE STATE OF KARNATAKA  
BY SAVANUR PS,  
DIST. HAVERI,  
REPRESENTED BY THE SPP,  
HIGH COURT OF KARNATAKA,  
DHARWAD BENCH, DHARWAD 580011.

...RESPONDENT

(BY SRI. PRASHANTH V. MOGALI, HCGP)

THIS CRIMINAL PETITION IS FILED U/S 439 OF CR.P.C., IS

SEEKING TO GRANT REGULAR BAIL IN BYADGI PS CRIME NO. 99/2022, PENDING ON THE FILE OF CIVIL JUDGE AND JMFC BYADGI IN CC NO. 618/2022 AND THIS PETITIONER IS ARRAYED AS ACCUSED NO. 1 FOR THE ALLEGED OFFENCES PUNISHABLE UNDER SECTION 498A,304B,504,506,34 OF IPC 1860, AND SECTION 4 OF DOWRY PROHIBITION ACT, 1961.

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CRL.P No. 103931 of 2022  
c/w CRL.P.No.103933/2022

IN CRL.P. NO. 103933 OF 2022  
BETWEEN:

1. MALLAPPA S/O BASAPPA KOPPAD  
AGE. 52 YEARS, OCC. COOLIE,  
R/O. HALESHIDENUR,  
TQ. BYADGI, DIST. HAVERI PIN 581106.
2. DURAGAVVA W/O MALLAPPA KOPPAD  
AGE. 58 YEARS, OCC. COOLIE,  
R/O. HALESHIDENUR,  
TQ. BYADGI, DIST. HAVERI 581106.
3. KUMAR S/O MALLAPPA KOPPAD  
AGE. 21 YEARS, OCC. COOLIE,  
R/O. HALESHIDENUR,  
TQ. BYADGI, DIST. HAVERI 581106.

...PETITIONERS

(BY SRI. SADIK KANVI, ADVOCATE)

AND:

THE STATE OF KARNATAKA  
BY SAVANUR PS,  
DIST. HAVERI,  
REPRESENTED BY THE SPP,  
HIGH COURT OF KARNATAKA,  
DHARWAD BENCH, DHARWAD 580011

...RESPONDENT

(BY SRI. PRASHANTH V MOGALI, HCGP)

THIS CRIMINAL PETITION IS FILED U/S 439 OF CR.P.C., IS  
SEEKING TO GRANT REGULAR BAIL IN BYADGI PS CRIME NO.  
99/2022, PENDING ON THE FILES OF CIVIL JUDGE AND JMFC,

BYADGI IN CC NO 618/2022 AND THIS PETITIONERS IS ARRAYED  
AS ACCUSED NO. 2 TO 4 FOR THE ALLEGED OFFENCES  
PUNISHABLE UNDER SECTION 498A, 304B, 504, 506, 34 OF IPC  
1860, AND SECTION 4 OF DOWRY PROHIBITION ACT, 1961.

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CRL.P No. 103931 of 2022  
c/w CRL.P.No.103933/2022

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

#### ORDER

Criminal Petition No.103931/2022 is filed by accused No.1 and Criminal Petition No.103933/2021 is filed by accused Nos.3 and 4. Both the petitions are filed under Section 439 of The Code of Criminal Procedure, 1973 (hereinafter referred to as the 'Cr.P.C.', for brevity) seeking bail in Crime No.99/2022 of Byadagi Police Station, registered for the offences punishable under Sections 498A, 304B, 504 and 506 read with Section 149 of The Indian Penal Code (hereinafter referred to as the 'IPC', for brevity) and Section 4 of the dowry Prohibition Act, 1961 (hereinafter referred to as 'DP Act', for brevity).

2. The case of the prosecution is that, the mother of the deceased has filed the complaint stating that about 1½ years back, Anita-deceased had fallen in love with accused No.1 and they eloped and got married against the wishes of their family members. After the marriage, accused No.1 and Anita lived happy married life for a period of six months. Thereafter, the accused persons started abusing Anita. The accused persons started ill- treating Anita by saying that, if you do not get dowry of Rs.50,000/-, gold ornaments and utensils, then better you go and die. If you die, they would solemnize another marriage of accused No.1 and so saying they used to assault and abuse Anita. It is further stated that, on 12.06.2022 at about 11:00pm, the petitioners/accused Nos.1 to 4 picked up quarrel with Anita on flimsy grounds and assaulted her and told her it is better to go and die otherwise, they will kill her. By that time, the complainant-mother of the deceased and others pacified galata. Anita could not tolerate the physical and mental torture meted out to her by her husband and other accused persons. Therefore, she committed suicide by jumping into the river. The said complaint came to be registered in Byadagi Police Station Crime No.99/2022 against the petitioners and others for offences under Sections 304B, 498A, 504 and 506 read with Section 149 of IPC and Section 4 of DP Act. The Police after investigation filed charge sheet against these petitioners and others for offences under Sections 304B, 498A, 504 and 506 read with Section 149 of IPC and Section 4 of DP Act. The petitioners/accused Nos.1 to 4 came to be arrested on 14.06.2022 and they are in judicial custody. The petitioners/accused Nos.1 to 4 filed petitions seeking bail before the Sessions Court and the petitions came to be rejected. Therefore, the petitioners are before this Court seeking bail.

3. Heard the arguments of the learned counsel appearing for the petitioners and the learned High Court Government Pleader for the respondent- State.

4. The learned counsel for the petitioners would contend that, the marriage of Anita with accused No.1 is a love marriage and they both eloped and got married against the will and wish of the complainant and her family members. It is his further submission that even after marriage, the complainant and her family members were not visiting the house of the deceased and the deceased was not visiting the house of the complainant. It is his further submission that on looking to the averments of the complaint, there is no allegation against accused No.1. It is his further submission that the deceased was upset, as her marriage with accused No.1 has not been accepted by her mother and other family members, hence, she might have committed suicide. It is his further submission that the allegation of assault on the deceased by the accused persons on 12.06.2022 appears to be false since there are no injuries found on the body of the deceased at the time of conducting postmortem examination. It is his further submission that, as charge sheet is filed, the petitioners are not required for custodial interrogation. With this, he prayed to allow the petitions.

5. Per contra, learned High Court Government Pleader would contend that, the marriage of accused No.1 with Anita-deceased is a love marriage which has taken place 1½ years prior to her death. The death of the deceased has taken place within 7 years of her marriage and it is a dowry death. There is allegation against the petitioners and other accused that they were harassing the deceased demanding dowry. It is his further submission that charge sheet material shows prima facie case against the petitioners for the offences alleged against them. If the petitioners are granted bail, there is threat to the complainant and other prosecution witnesses. With this, he prayed to reject the petitions.

6. Having regard to the submission made by the learned counsel for the petitioners and the learned High Court Government Pleader, this Court has gone through the charge sheet records and the order passed by the Sessions Court.

7. The marriage of Anita-deceased with accused No.1 is a love marriage. Accused No.1 and Anita-deceased eloped and got married against the will and wish of parents of the deceased Anita. Anita is related to accused No.1 even prior to their marriage. Anita-deceased is the daughter of accused No.1's father's sister. Accused No.2 is the brother of the complainant and he is the father of accused No.1. The averments in the complaint and the statement of the witnesses reveal that, the complainant and her family members are not happy with the marriage of the deceased Anita with accused No.1. It is also the averments in the complaint and the statement of the witnesses that after marriage also, the complainant and her family members were not visiting the house of the deceased and the deceased was not visiting the house of the complainant. Anita committed suicide on 13.06.2022 by jumping into the river. It is the allegation of the prosecution that because of harassment meted out by the accused persons to the deceased demanding dowry, she committed suicide by jumping into the river. It is also the allegation that, the accused persons assaulted the deceased on 12.06.2022 i.e. a day prior to the incident. The Doctor who conducted postmortem examination over the dead body of the deceased has noted that there are no external injuries over the dead body of the deceased, therefore, the allegation of assault is not made out. What is the real

reason for Anita to commit suicide is a matter of trial. As charge sheet

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is filed, the petitioners are not required for custodial interrogation.

8. The main apprehension of the prosecution is that if the petitioners are granted bail, there are chances of them threatening the complainant and other prosecution witnesses, can be met with by imposing stringent conditions.

9. In the facts and circumstances of the case and submission of the counsel, this Court is of the view that there are valid grounds for granting bail subject to certain terms and conditions. Hence, I proceed to pass the following:

ORDER Both the petitions filed under Section 439 of Cr.P.C. are allowed. Consequently, the petitioners/accused Nos.1 to 4 are ordered to be released on bail in Crime No.99/2022 of Byadagi Police Station subject to the following conditions:

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i) The petitioners/accused Nos.1 to 4 shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees one lakh only) each with one surety for the likesum to the satisfaction of the jurisdictional Court.

ii) The petitioners/accused Nos.1 to 4 shall not indulge in tampering the prosecution witnesses.

iii) The petitioners/accused Nos.1 to 4 shall attend the Court on all the dates of hearing unless exempted and co-operate in speedy disposal of the case.

Sd/-

JUDGE kmv