

# Ashok S/O Yenkappa Lamani vs The State Of Karnataka on 14 June, 2022

**Author: K. Natarajan**

**Bench: K. Natarajan**

IN THE HIGH COURT OF KARNATAKA  
DHARWAD BENCH

DATED THIS THE 14TH DAY OF JUNE 2022

BEFORE

THE HON'BLE MR.JUSTICE K. NATARAJAN

CRIMINAL PETITION NO.101647/2022

BETWEEN

ASHOK S/O YENKAPPA LAMANI,  
AGE. 24 YEARS, OCC. AGRICULTURE,  
R/O SARJAPUR, TQ. RON,  
DIST. GADAG

.....PETITIONER

(BY SMT. RANJITA ALAGAWADI, ADV. FOR  
SRI B V SOMAPUR, ADV. &  
SRI C.B. SHAKUNAVALLI, ADV.)

AND

THE STATE OF KARNATAKA  
THROUGH P.S.I MAHILA POLICE STATION, GADAG  
REPRESENTED BY THE STATE PUBLIC PROSECUTOR,  
DHARWAD BENCH DHARWAD.

.....RESPONDENT

(BY SMT GIRIJA S. HIREMATH, HCGP)

THIS CRIMINAL PETITION IS FILED U/SEC. 438 OF CR.P.C.  
SEEKING THAT, ANTICIPATORY BAIL MAY BE GRANTED TO THE  
PETITIONER/ ACCUSED NO.1 IN GADAG WOMEN P.S. CRIME NO.07/2022  
FOR THE OFFENSES PUNISHABLE 498A, 323, 324, 504, 506 OF I.P.C.  
AND SECTION 3 AND 4 OF DOWRY PROHIBITION ACT OF 1961 PENDING  
ON THE FILE OF I ADDITIONAL CIVIL JUDGE JMFC, GADAG.

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THIS PETITION COMING ON FOR ORDERS THIS DAY, THE COURT

MADE THE FOLLOWING:

ORDER

Learned High Court Government Pleader is directed to take notice for respondent.

This criminal petition is filed by the accused No.1 under Section 438 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the 'Cr.P.C.' for short) for granting anticipatory bail in Gadag Women Police Station Crime No.7/2022 for the offence punishable under Section 498A, 323, 324, 504, 506 of Indian Penal Code, 1860 (hereinafter referred to as the 'IPC', for short) and Sections 3 and 4 of Dowry Prohibition Act, 1961.

2. Heard the arguments of the learned counsel for petitioner and learned High Court Government Pleader for respondent.

3. The case of the prosecution is that on the complaint of one Gouramma Ashok Lamani who is the wife of this petitioner filed, the police registered the case against this petitioner and others. It is alleged that she has given in marriage to this petitioner solemnized on 06.01.2021. At the time of marriage, her mother and brothers gave Rs.1,00,000/-, 4½ tolas gold and household articles worth Rs.2,00,000/-. Thereafter for 1 to 2 months, she was looked after well by her in-laws. Subsequently, they started harassing the complainant physically and mentally demanding more dowry. The petitioner said to be thrown chilly powder into complainant's mouth and with a lighted cigarette caused burn injuries on her face, chest and private parts. The same was supported by accused Nos.2 and 3. Therefore, the complaint came to be registered. After registering the case, the police are making hectic efforts to arrest this petitioner. The bail petition filed by the petitioner before the Sessions Court came to be rejected. Hence, he is before this Court.

4. Learned counsel for petitioner contended that petitioner is innocent of the alleged offences and falsely implicated in the case. On the willingness of the complainant, the petitioner and complainant were residing separately. The co-accused are already granted bail. The petitioner is ready to abide by any conditions imposed by this Court. Hence, he prayed for grant of bail.

5. Per contra, learned High Court Government Pleader seriously objected the bail petition and contended that the petitioner is required for custodial interrogation. The petitioner has harassed the complainant mentally and physically in a cruel manner for dowry by throwing chilly powder and causing burn injuries on the body of the complainant. Hence, she prayed for rejecting the bail petition.

6. Upon hearing the arguments of the learned counsel for petitioner and learned High Court Government Pleader for respondent, perused the records.

7. On perusal of the records it reveals that the marriage of the complainant and petitioner was held on 06.01.2021 and she was looked after well only for 1 to 2 months. Subsequently, the dispute arose between the mother of the petitioner and complainant and they said to be residing separately. Even then the petitioner started to demand more dowry and harassing her physically and mentally.

Learned H.C.G.P. contended that the petitioner caused burn injuries to the complainant by a lighted cigarette. However, the learned H.G.C.G.P. is unable to collect the medical report of the complainant and produce the same before the Court. The alleged offences are not punishable with death or life imprisonment and triable by the learned Magistrate. Considering the facts and circumstances of the case, I am of the view that if the petitioner is granted bail by imposing stringent conditions, it will not prejudice the case of the prosecution. Accordingly, I pass the following order:

The criminal petition is allowed. The respondent-Gadag Women Police is directed to release the petitioner/accused No.1 on bail in the event of his arrest in Crime No.7/2022 of Gadag Women Police Station subject to the following conditions:

- i. The petitioner shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with a surety for the likesum to the satisfaction of the Investigating Officer.
- ii. The petitioner shall surrender himself before the Investigating officer within fifteen days from the date of receipt of a copy of this order.
- iii. The petitioner shall not tamper the prosecution witnesses directly or indirectly.
- iv. The petitioner shall not indulge in similar offences.
- v. The petitioner is deemed to be in custody for the purpose of any recovery under Section 27 of the Indian Evidence Act.
- vi. The petitioner shall appear before the Investigating Officer on every Saturday between 10.00 a.m. to 4.00 a.m. for a period of eight weeks or till filing of charge sheet whichever is later.

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

Sd/-

JUDGE Naa