

# M Vinod Kumar vs State Of Karnataka By on 6 September, 2022

**Author: K.Natarajan**

**Bench: K.Natarajan**

1

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF SEPTEMBER, 2022

BEFORE

THE HON'BLE MR. JUSTICE K.NATARAJAN

CRIMINAL PETITION NO.7979 OF 2022

BETWEEN

M VINOD KUMAR  
S/O MOHAN LAL  
AGED ABOUT 26 YEARS  
R/A NO.13, 2ND CROSS  
NEAR GANESH TEMPLE  
BABUSAPALYA  
BANGALORE-560 043

... PETITIONER

(BY SRI.NARASI REDDY, ADV.)

AND

STATE OF KARNATAKA BY  
SHO, HENNUR PS  
BANGALORE-560 043  
REPTD BY GOVT PLEADER  
HIGH COURT BUILDING  
BANGALORE-560 001

...RESPONDENT

(BY SRI.R. D. RENUKARADHYA, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439  
OF THE CODE OF CRIMINAL PROCEDURE, PRAYING TO  
ENLARGE THE PETITIONER ON BAIL IN CR.NO.201/2022 OF  
HENNUR P.S., BENGALURU CITY FOR THE OFFENCE  
PUNISHABLE UNDER SECTIONS 341, 354(D), 307, 384, 427,  
506 READ WITH SECTION 149 OF IPC PENDING ON THE FILE OF  
XI ADDITIONAL CHIEF METROPOLITAN MAGISTRATE  
BENGALURU.

2

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

ORDER

This petition is filed by petitioner-accused No.1 under Section 439 of Cr.P.C. for granting bail in Crime No.201/2022 registered by the Hennur Police Station, Bengaluru for the offences punishable under Sections 341, 354(D), 307, 384, 427, 506, 149 of IPC.

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

3. The case of the prosecution is that the complainant-Smt. Kalavathi filed a complaint to the Police on 22.07.2022 alleging that her daughter aged about 17 years is studying in II PUC. The petitioner is said to be pressurizing the friend of her daughter Shreya to give connection with the daughter of the complainant and continuously telephoned her daughter and later, on enquiry, it was revealed by her daughter that she has fall in love with this petitioner and the petitioner is said to have took some photographs and audio recording and was demanding money from the complainant's daughter. In spite of she has given some money, again the accused- petitioner used to insist her to give some more money. Therefore, the daughter of the complainant said to be blocked the number of the petitioner but in spite of the same, he was threatening her. On 21.07.2022, the accused came near the house and attacked on the house by damaging the windows etc. Therefore, the complainant's brother-in-law and her husband went to the police station for lodging a complaint, but on the way to the police station, the petitioner along with his friends i.e., Rajesh and others attacked the complainant's brother-in-law and caused injuries. He was taken to the hospital and later case was registered. The police arrested this petitioner on 23.07.2022 and he was remanded to the judicial custody.

4. Having heard the arguments and on perusal of the records, which reveals that the daughter of the complainant and the petitioner fall in love and the petitioner used to insist her parents to give her daughter for marriage, but they refused for the same. However, the daughter of the complainant was continuously having discussion with the accused-petitioner who is her lover. The learned counsel for the petitioner also brought the C.D. audio recording to show the conversation between the complainant and the Investigating Officer, where the complainant said to be stated that the injured-Vinod who is the brother-in-law of the complainant took the iron rod from the house which was captured in the CCTV footage and the Investigating Officer is said to be deleting the said CCTV footages of iron rod. This audio was recorded by the very daughter of the complainant and was sent to the accused person. Be as it may, the alleged offence is Section 307 of IPC which is a major offence. The injury sustained by the said Vinod is simple in nature. The accused also name was Vinod. Looking to the facts and circumstances of the case, I am of the view, the petitioner is in custody for almost 1½ months. The police are likely to file the charge-sheet within couple of weeks. Therefore at this stage, it cannot be said that the accused person with an intention to commit murder attacked the victim or trying to snatch or extort the money from the complainant's family.

Therefore, by imposing certain conditions, if bail is granted no prejudice would be caused to the case of the prosecution.

5. Accordingly, criminal petition is allowed. The Committal Court is directed to release the petitioner-accused No.1 on bail in Crime No.201/2022 registered by Hennur Police Station, Bengaluru for the offences punishable under Sections 341, 354(D), 307, 384, 427, 506, 149 of IPC, subject to the following conditions:

- (i) Petitioner-accused No.1 shall execute a personal bond for a sum of Rs.2,00,000/- (Rupees Two Lakh only) with two sureties for the likesum to the satisfaction of the trial Court/Committal Court;
- (ii) Petitioner shall not indulge in similar offences strictly;
- (iii) Petitioner shall not tamper with the prosecution witnesses directly/ indirectly;
- (iv) Petitioner shall appear before the Investigating Officer on every fortnight i.e., on 2nd and 16th of the calendar month for a period of six months or till commencement of the trial before the Sessions Court whichever is later.

Sd/-

JUDGE GBB