

Shri.Shivasharan S/O Venktraman vs The State Of Karnataka on 10 November, 2020

Author: Mohammad Nawaz

Bench: Mohammad Nawaz

IN THE HIGH COURT OF KARNATAKA

DHARWAD BENCH

DATED THIS THE 10TH DAY OF NOVEMBER 2020

BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

CRL.P. NO.100658 OF 2020

BETWEEN:

1. SHRI.SHIVASHARAN S/O VENKTRAMAN
AGE: 37 YEARS, OCC: SERVICE,
R/O: H.NO.16/2, GROUND FLOOR
SANTADURGA, 16TH CROSS,
10TH MAIN MALLESHWARAM,
BENGALURU.
2. SATHYAVTI W/O VENKTRAMAN CHOWDHARY
AGE: 64 YEARS, OCC: HOUSEHOLD WORK,
R/O: HOUSE NO.16/2, GROUND FLOOR,
SANTADURGA 16TH CROSS
10 MAIN, MALLESHWARAM,
BENGALURU.
3. VENKTRAMAN CHOWDHARY
AGE: 73 YEARS, OCC: HOUSEHOLD WORK,
R/O: HOUSE NO.16/2, GROUND FLOOR,
SANTADURGA 16TH CROSS
10 MAIN, MALLESHWARAM,
BENGALURU.
4. PRATIBHA W/O SRINIVAS
AGE: 40 YEARS, OCC: HOUSEHOLD WORK,
R/O: ARAKALAGUDU TALUKA
HOLENARASIPURA, DIST: HASSAN.

....PETITIONERS

(BY SRI. ROHIT S. PATIL, ADV.)

AND

1. THE STATE OF KARNATAKA
R/BY SPP, HIGH COURT OF KARNATAKA,
DHARWAD, BENCH AT DHARWAD.
2. SMT.SNEHA W/O.SHIVASHARAN CHOWDHARY
AGE: 31 YEARS, OCC: HOUSE HOLD WORK
R/O.ANURAG NILAYA
H.NO.82/B, UDAYNAGAR, HUBBALLI.

...RESPONDENTS

(BY SRI.V.S.KALASURMATH, HCGP FOR R1)
(BY SRI.MAHESH WODEYAR, ADV. FOR R2)

THIS PETITION IS FILED UNDER SECTION 438 OF CR.P.C., PRAYING TO NECESSARY ORDERS BE PASSED IN GRANT OF ANTICIPATORY BAIL TO THE PETITIONERS NO.1 TO 4 IN PRIVATE COMPLAINT NO.166/2018 AND C.C.No.2094/2019 BEFORE THE III ADDITIONAL CIVIL JUDGE AND JMFC, HUBBALLI FOR THE OFFENCES PUNISHABLE UNDER SECTION 498A, 506 R/W.SECTION 34 OF INDIAN PENAL CODE AND UNDER SECTION 3 AND 4 OF DP ACT.

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

ORDER

This petition is filed by accused Nos.1 to 4 in C.C.No.2094/2019 on the file of the III Additional Civil Judge and JMFC, Hubballi, to grant them anticipatory bail in respect of offences punishable under Sections 498A, 506 read with Section 34 of IPC and Sections 3 and 4 of Dowry Prohibition act.

2. Heard the learned counsel for petitioners, the learned HCGP appearing for respondent-State as well as learned counsel appearing for second respondent / complainant.

3. A private complaint was filed by second respondent against the petitioners herein. The gist of the complaint is that the marriage of the complainant with accused No.1 was solemnized on 25.04.2012 at Shri Krishna Kalyan Mantapp, Deshpandenagar, Hubballi as per Hindu Marriage customs and rituals, by giving more than 200 grams of golden ornaments, 5 kgs silver ornaments and other items. A lump sum amount was paid as dowry and more than Rs.10 lakhs was incurred for marriage expenses. Accused No.1 being the husband, accused Nos. 2 & 3 being the parents-in-law and accused No.4 being the sister-in-law used to harass the complainant for one or the other reasons and pressurizing her to bring all the earnings of her father to them. Accused No.1 was demanding Rs.50 lakhs and forcing the complainant to convince her father to sell his property at Hubballi and pay the amount. All the accused persons colluding with each other drove the complainant and her child out

of the house and they are pressurizing and threatening her to withdraw the case filed by her under the Domestic Violence Act.

4. The learned Magistrate after taking cognizance issued summons to accused Nos.1 to 4. Since they did not respond to the summons, NBW was issued by order dated 28.02.2020.

5. The learned counsel for the petitioners submits that since the offences are non-bailable in nature, he approached the Sessions Court for grant of anticipatory bail, however, the Sessions Court has rejected the bail petition observing that it is not a fit case to exercise the discretionary powers to grant anticipatory bail. He submits that petitioners are innocent and a false complaint has been filed. Petitioner Nos.2 and 3 are aged persons and in the event of their arrest, they will be put to great hardship and humiliation. He submits that the petitioners are ready and willing to abide by any reasonable conditions and prays to allow the petition.

6. Learned counsel for respondent No.2 has opposed grant of bail to the petitioners and sought to reject the petition.

7. Petitioner No.1 is the husband of the complainant, petitioners No.2 and 3 are the parents of accused No.1 and petitioner No.4 is the sister of accused No.1. Learned counsel for petitioners has submitted that since offences are non-bailable in nature, the petitioners are apprehending their arrest as now non-bailable warrants have been issued against them.

8. Materials on record disclose that initially summons were issued to the petitioners and since they did not respond, NBW came to be issued. Petitioner Nos.2 and 3 are aged persons. The truth or otherwise of the complaint averments is a matter of trial and same has to be established in due course. Considering the entire facts and circumstances, I am of the view that, ends of justice would be met, if the petitioners are directed to appear before the trial Court seeking recalling of the warrants issued against them and file necessary application for bail. In that event, the learned Magistrate shall admit them to bail by imposing appropriate conditions.

9. The petitioners are directed to appear before the learned Magistrate on or before 26.11.2020.

With the above observations, petition is disposed of.

Sd/-

JUDGE lad