

Guru vs State Of Karnataka on 28 August, 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF AUGUST, 2020

BEFORE

THE HON'BLE MR.JUSTICE ASHOK G. NIJAGANNAVAR

CRIMINAL PETITION NO.3577 OF 2020

BETWEEN:

GURU,

S/O.DEVEGOWDA,

AGED ABOUT 36 YEARS,

RESIDENT OF KMF

FOOD FACTORY

QUARTERS, F-18,

HASSAN - 573201.

...PETITIONER

(BY SRI CHETAN B, ADVOCATE)

AND:

STATE OF KARNATAKA,

HASSAN CITY POLICE STATION,

HASSAN - 573201.

REPRESENTED BY

STATE PUBLIC PROSECUTOR,

HIGH COURT OF KARNATAKA,

BANGALORE - 560 001.

...RESPONDENT

(BY SRI DIWAKAR MADDUR, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.55/2020 REGISTERED BY HASSAN CITY POLICE STATION, HASSAN FOR THE OFFENCE P/U/S 498(A), 302 AND 306 OF IPC.

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

ORDER

This petition is filed by petitioner-accused No.1 under Section 439 of Cr.P.C. seeking bail in Crime No.55/2020 registered for the offence punishable under Sections 498A, 306 and 302 of IPC by Hassan City Police Station.

2. The facts briefly stated in the petition are that on the complaint filed by the father of the deceased the Police have registered the case. The allegations are that accused No.1 had married the deceased victim-accused No.2 about ten years back and he was causing harassment to his wife-accused No.2 for getting additional dowry. On account of the torture and harassment caused by accused No.1, the accused No.2 strangled her daughter and thereafter committed suicide. Accused No.1 is responsible for suicide committed by accused No.2, thereby the accused No.1 has committed the offence punishable under Section 306 of IPC. On registering the case, the Police have arrested the petitioner-accused No.1 and he is in judicial custody. The bail petition filed before the Sessions Court is rejected.

3. Learned High Court Government Pleader has opposed the bail petition orally.

4. Learned counsel for the petitioner vehemently argued that the marriage of accused No.1 with accused No.2 had taken place about ten years back; there was no allegation whatsoever against petitioner-accused No.1 regarding dowry harassment for all those years. It is only during the lockdown period, the accused No.2 had resorted to extreme step of killing her daughter and thereafter committed suicide. The allegations made against petitioner-accused No.1 are baseless. There is no specific evidence to show that accused No.1 was causing harassment and torture to accused No.2 for getting dowry and no definite case is made out that accused No.1 is responsible for suicide committed by accused No.2. The investigation is completed, thus, the custodial interrogation of the petitioner- accused No.1 is not necessary. Due to detention, the petitioner is put to hardship.

5. Per contra, learned HCGP, while acknowledging the factum of filing of charge sheet, submitted that keeping in view the gravity of the offence committed by accused No.1, he does not deserve to be enlarged on bail. In the event of granting bail, the accused is likely to cause threat to the prosecution witnesses. Hence, the bail petition deserves to be rejected.

6. Having heard the submission of the learned counsel for the petitioner and learned HCGP and on perusing the material placed on record, it is evident that petitioner-accused No.1 is the husband of accused No.2, who has committed suicide. Their marriage had taken place about ten years back. During the said period of ten years, there was no specific allegation of harassment for dowry. The offence alleged is not punishable with death or imprisonment for life.

7. The main contention of the learned counsel for the petitioner is that due to detention, petitioner is unable to look after his parents and the petitioner is ready and willing to abide by the conditions to be imposed by the Court for granting bail.

8. Having perused the material available on record, this Court finds no reason to keep the petitioner-accused No.1 behind bars as the investigation is already completed and charge sheet has been filed. It is well settled that till the time the guilt of the person is not proved in accordance with law, he is deemed to be innocent. No material is forthcoming to infer that in the event of petitioner being enlarged on bail, he may flee away from justice and tamper the prosecution witness. The apprehension of the prosecution can be set right by imposing stringent conditions.

9. In the facts and circumstances of the case, this Court is of the view that there are valid grounds for enlarging the petitioner on bail subject to certain terms and conditions. Accordingly, this Court proceed to pass the following :

ORDER Petition is allowed. Consequently, petitioner- accused No.1 is ordered to be released on bail in connection with Crime No.55/2020 registered for the offence punishable under Sections 498A, 306 and 302 of IPC by Hassan City Police Station, subject to following conditions:

(i) The petitioner shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for the like-

sum to the satisfaction of the concerned Court.

(ii) The petitioner shall not indulge in tampering the prosecution witnesses.

(iii) The petitioner shall appear before the concerned Court on all the future hearing dates unless exempted by the Court for any genuine cause.

(iv) The petitioner shall not leave the jurisdiction of the concerned trial Court without prior permission of the Court till the case registered against him is disposed of.

Sd/-

JUDGE BSR