

Smt Nandini L M vs Devaraj P on 16 April, 2025

Author: Mohammad Nawaz

Bench: Mohammad Nawaz

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NC: 2025:KHC:15834
CRL.P No. 10935 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF APRIL, 2025

BEFORE

THE HON'BLE MR JUSTICE MOHAMMAD NAWAZ
CRIMINAL PETITION NO. 10935 OF 2023

BETWEEN:

SMT. NANDINI L.M,
W/O DEVARAJ P,
AGED ABOUT 37 YEARS,
NO. 32/1, 4TH B CROSS,
PRABHAKAR LAYOUT,
VISHWANATHANAGENAHALLI
R.T. NAGAR POST,
BANGALORE - 560 032.

...PETITIONER

(BY SRI. A.G. SRIDHAR, ADVOCATE)

AND:

1. DEVARAJ P

S/O PRABHAKAR PRASANNA,
AGED ABOUT 41 YEARS,

2. SMT. SHANTHA KUMARI
W/O SUREDNRA,

AGED ABOUT 38 YEARS,
R1 AND R2 ARE RESIDING AT NO. 32/1,
4TH B CROSS, PRABHAKAR LAYOUT,
VISHWANATH, NAGENAHALLI
R.T. NAGAR POST,
BANGALORE - 560 032.

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signed by
LAKSHMI T
Location:
High Court
of Karnataka

3. SMT. SHOBHA,
W/O RAJASHEKAR,
AGED ABOUT 39 YEARS,
RESIDING AT 88, 1ST MAIN,
1ST CROSS, PATEL MUNIYAPPA LAYOUT,
HEBBAL, BANGALORE.
4. THE STATION HOUSE OFFICER,
HEBBAL POLICE STATION,
BANGALORE
REPRESENTED BY STATE PUBLIC PROSECUTOR,
ATTACHED TO THIS HON'BLE COURT,
BANGALORE - 01

...RESPONDENTS

(BY SRI. B. RANGA SWAMY, ADVOCATE FOR R1 TO R3;
MS. ASMA KOUSER, ADDL. SPP FOR R4)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO
SET ASIDE THE IMPUGNED ORDER IN CRL.MISC.NO.6995/2023
DATED 02.09.2023 PASSED BY THE LXXI ADDITIONAL CITY
CIVIL AND SESSIONS JUDGE, BENGALURU (CCH-72) AT
ANNEXURE-A AND FURTHER CANCEL THE ANTICIPATORY BAIL
GRANTED TO THE RESPONDENT NO.1 TO 3/ACCUSED NO.1, 5,
6 IN CRL.MISC.NO.10260/2022, DATED 28.10.2022 AND
FURTHER ORDER FOR TAKING THEM TO CUSTODY IN VIEW OF
THE VIOLATIONS OF THE CONDITIONS OF THE HONOURABLE
COURT AND VIOLENCE CAUSED TO THE PETITIONER.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE MOHAMMAD NAWAZ

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NC: 2025:KHC:15834
CRL.P No. 10935 of 2023

ORAL ORDER

Petitioner is seeking to cancel the anticipatory bail granted to the accused/respondent Nos.1 to 3 by the learned Sessions Judge in Crl.Misc.No.10260/2022 dated 28.10.2022.

2. The grounds raised by the petitioner/complainant are that, inspite of specific condition imposed not to threaten the complainant and other witnesses, the accused have violated the said condition by threatening the complainant to withdraw the case and also assaulted her.

3. Petitioner's counsel would contend that in respect of an incident occurred on 09.07.2023 which is after granting anticipatory bail to respondent Nos.1 to 3, petitioner has lodged a complaint and a case has been registered against them for the offence punishable under Section 506, 504, 323, 324 read with Section 34 of IPC in Crime No.139/2023 of Hebbal Police Station. He contended that the accused have NC: 2025:KHC:15834 not only threatened the complainant and her brother, but also assaulted and caused injuries to them, which is evident from the wound certificates issued by the Bangalore Baptist Hospital, wherein, it can be seen that the complainant as well as her brother have sustained injuries and the complainant has sustained swelling around left eye and cheek region.

4. Learned counsel has also contended that in Crl.Misc.No.195/2022, in the proceedings initiated by the petitioner under the D.V. Act, the learned MMTC-V, Bengaluru has prohibited respondent No.1 from committing any act of domestic violence against her and her children and even the said condition has been violated and therefore, the anticipatory bail granted to respondent Nos.1 to 3 is liable to be cancelled.

5. Learned counsel appearing for respondent Nos.1 to 3 has denied all the allegations. He contended that according to the complainant the alleged incident which took place on 09.07.2023 was in her matrimonial NC: 2025:KHC:15834 home, whereas admittedly, she has left the matrimonial home in the year 2016. Further, in the statements of objections, she has stated that she was driven out of the house in the year 2021. He has therefore, contended that when the complainant was not residing in the address where the alleged incident is said to have occurred, the allegation that she was threatened and assaulted etc. cannot be believed.

6. Undisputed facts are that, after respondent Nos.1 to 3 were granted anticipatory bail, a case in Crime No.139/2023 was registered at Hebbal Police Station, against them on a complaint lodged by the petitioner and charge sheet is also filed in the said case. However, the learned counsel for respondent No.1 to 3 has disputed the incident having taken place as alleged. It is contended by him that a counter case is also registered against the petitioner and her brother in Crime No.140/2023 at Hebbal Police Station, Bengaluru City for offences Punishable under Section 506, 504, 323, 324 read with Section 34 of NC: 2025:KHC:15834 IPC. It is his contention that mere registration of an FIR and filing of charge sheet itself is not sufficient to cancel the bail already granted, unless the allegations are proved.

7. Petitioner preferred an application under Section 439(2) of Cr.P.C. before the learned Sessions Judge seeking cancellation of the anticipatory bail granted to respondent Nos.1 to 3. The learned Sessions Judge vide order dated 02.09.2023 dismissed the said application observing that the materials on record are not sufficient to wholly base the conclusion that respondents did not abide by condition No.2 and there are no strong grounds to allow the application seeking anticipatory bail.

8. Both the parties have lodged complaint against each other. The allegations leveled have to be established in due course. The incident having occurred as alleged, is seriously disputed by the learned counsel for respondent Nos.1 to 3. Filing of charge sheet in subsequent case itself is not a ground to cancel the bail. However, respondent Nos.1 to 3 are directed to strictly comply the conditions NC: 2025:KHC:15834 imposed while they were enlarged on anticipatory bail. It is made clear that, if they indulge in threatening the complainant or any of the prosecution witnesses and violate the bail condition, their bail shall be liable to be cancelled.

9. With the above observations, petition is disposed of.

Sd/-

(MOHAMMAD NAWAZ) JUDGE LDC CT: BHK