

Nagaraj S/O Gurubasappa Purad vs The State Of Karnataka on 11 September, 2012

Author: Jawad Rahim

Bench: Jawad Rahim

:1:

IN THE HIGH COURT OF KARNATAKA
CIRCUIT BENCH AT DHARWAD

DATED THIS THE 11th DAY OF SEPTEMBER, 2012
BEFORE
THE HON'BLE MR. JUSTICE JAWAD RAHIM
CRIMINAL PETITION NO.11129/2012

BETWEEN:

1. NAGARAJ S/O GURUBASAPPA PURAD
AGE: 36 YEARS, OCC: AGRICULTURE
R/O. SHIROL. TQ: MUNDARGI,
DIST: GADAG
2. ANUSUYA W/O ASHOK RADDER
AGE: 33 YEARS, OCC: TEACHER
R/O.MUNDARGI, DIST: GADAG
3. GURUBASAPPA S/O BASAPPA PURAD
AGE: 82 YEARS, OCC:
R/O.SHIROL
TQ: MUNDARGI, DIST: GADAG

... PETITIONERS

(BY SRI B V SOMAPUR, ADV.)

AND

1. THE STATE OF KARNATAKA
R/BY ALAWANDI POLICE
R/BY STATE PUBLIC PROSECUTOR
CIRCUIT BENCH, DHARWAD

... RESPONDENT

:2:

(BY SRI VINAYAK S. KULKARNI, HCGP)

THIS CRIMINAL PETITION IS FILED U/S 438 OF CR.P.C. IT IS MOST RESPECTFULLY PRAYED THAT, ANTICIPATORY BAIL MAY PLEASE BE GRANTED TO THE PETITIONERS AND THE ALWANDI POLICE MAY PLEASE BE DIRECTED TO RELEASE THE PETITIONERS IN THE EVENT OF THEIR ARREST IN THEIR P.S. CRIME NO.72/2012 FOR THE OFFENCES P/U/S 498-A, 306 OF IPC R/W SEC. 34 OF IPC AND SEC. 3 & 4 OF DP ACT, PENDING ON THE FILE OF THE JMFC COURT, KOPPAL, IN THE INTEREST OF JUSTICE & EQUITY.

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

ORDER

The petitioners 1, 2 and 3, who are co- accused in Crime No.72/2012, are facing charge for offence punishable under Sections 498-A and 306 read with Section 34 of the I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act. Apprehending their arrest, they seek direction to release them in the event of their arrest.

2. State has opposed the petition.

3. Heard.

4. Prosecution's case is one Shankarappa Galabi of Dambralli Village at Alawandi Police Station had lodged a report against the petitioners revealing that his elder sister Sunita was married to petitioner No.1/Nagaraj on 24.04.2012 and after five days of the marriage, she entered matrimony with him in the house occupied by him, petitioners 2 and 3, who are his sister and father. Petitioner No.1 started suspecting chastity of Sunita right from the day one and entertained serious doubt. He asked her to get Rs.50,000/- to ignore such lapse. The said amount was given to him but he started asking additional golden ornaments. Because of such compulsion and harassment, Sunita had returned to their house on 08.08.2012 i.e., 3½ months after her marriage and on the same day, she committed suicide hanging herself. Based on such report, name of the petitioners is shown.

5. Learned counsel for the petitioners would submit that petitioners have not indulged in any overt acts consequent to which she would have died.

6. The State has pointed out to the fact that Sunita has died within a few months of her marriage, clearly indicating that her life with the petitioners was a misery.

7. From what is urged by both sides, it is easily noticeable that Sunita entered the life of petitioner No.1 who instead of consoling consortium of her married life, questioned her chastity and started

demanding dowry to ignore the lapse.

8. Demanding and taking dowry is spelt out in the complaint itself. But, as far as the unfortunate death of Sunita is concerned, she has returned to her parental house and died on the same night. This undoubtedly, shows her life in the family of the accused was not good, but was the prompting factor for her to take extreme step as referable to incidents shown before it. Nothing is spelt out in the complaint what was the cause. In the circumstances, the investigating officer has to go further for discovery of such facts.

9. Undoubtedly, interrogation of petitioner No.1/her husband is essential which, if granted anticipatory bail will be affected adversely.

10. As far as petitioners 2 and 3 are concerned, the complainant is silent. There is no allegation against them either of harassment of Sunita in relation to dowry or about the alleged doubt about her chastity. In the circumstances, considering the facts that petitioner No.2 is a woman and petitioner No.3 is above 80 years old, they are granted the relief sought for.

ORDER (1) The petition is allowed in part. (2) Petition of Nagaraj / petitioner No.1 filed under Section 438 of Cr.P.C., is rejected.

(3) Petition of Anusuya / Petitioner No.2 and Gurubasappa / Petitioner No.3 is allowed, subject to following conditions:-

i. The petitioners are directed to appear before the investigating officer in-charge of investigation in Crime No.72/2012 of Alawandi Police Station, within two weeks from now.

ii. The investigating officer may arrest the petitioners, but shall release them if they execute bond for a sum of `25,000/- each with one surety for the like sum to the

satisfaction of the said officer.

iii. They shall appear before the Investigating officer to subject themselves for interrogation as and when required and shall cause no impediment and fully co-

operate with the investigation.
iv. They shall not tamper the prosecution material or

prevail upon witnesses by any means.

v. They shall not leave the
sessions jurisdiction of the
Court without prior
permission.

Sd/-
JUDGE

Ct:sma/-
Rkk/-