

Nanda Manjunath vs State Of Karnataka on 17 June, 2022

Author: H.P. Sandesh

Bench: H.P. Sandesh

1

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF JUNE, 2022

BEFORE

THE HON'BLE MR. JUSTICE H.P. SANDESH

CRIMINAL PETITION NO.3811/2022

BETWEEN:

NANDA MANJUNATH,
W/O K. MANJUNATH,
AGED ABOUT 48 YEARS,
R/AT NO.303,
GODAVARI APARTMENT,
9TH CROSS, MALLESHWARAM,
BENGALURU-560 055.

ALSO AT No.209,
NO.04-1337, TAMPINES STREET 21,
SINGAPORE.

...PETITIONER

(BY SMT. SONATAI VAKKUND GANAPATRAO, ADVOCATE)

AND:

STATE OF KARNATAKA,
BY MALLEHWARAM POLICE STATION,
MALLESHWARAM,
REP BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
DR B.R. AMBEDKAR VEEDHI,
BENGALURU -560 001.

...RESPONDENT

(BY SRI H.S. SHANKAR, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 438
OF CR.P.C. PRAYING TO ENLARGE THE PETITIONER ON BAIL IN
THE EVENT OF HER ARREST IN CR.NO.17/2022 OF

MALLESHWARAM P.S., BENGALURU CITY FOR THE OFFENCE
PUNISHABLE UNDER SECTIONS 361, 420, 34 OF IPC ON THE
FILE OF THE 32ND ACMM, BANGALORE.

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

ORDER

This petition is filed under Section 438 of Cr.P.C. praying this Court to enlarge the petitioner on bail in the event of her arrest in respect of Crime No.17/2022 registered by Malleshwaram Police Station, Bengaluru City, for the offences punishable under Sections 361, 420 read with 34 of IPC.

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

3. The factual matrix of the case of the prosecution is that the marriage of the complainant was solemnized in 2006 and her husband was murdered in 2006 and later on, she married in 2009 and the same is also registered in 2015 and 2016 in different places and a child was born on 18.04.2013 at Tavaregere Hospital, Dharwad. It is an allegation that this petitioner took the child to Singapore and hence invoked the offence under Sections 361 and 420 of IPC.

4. The learned counsel for the petitioner submit that already Court has granted bail in favour of accused Nos.1 to 3 and 5 and only allegation against this petitioner is that she has kidnapped the child. But the factual aspects has not been stated in the complaint and child was admitted to a school in Singapore and even the child is not ready to go with the complainant and rituals are also done and when already bail is granted in favour of other accused persons, the petitioner is also entitled for bail and this petitioner is ready to cooperate with the Investigating Officer for further investigation in the matter with regard to accusations made in the complaint.

5. Per contra, the learned High Court Government Pleader appearing for the respondent-State not disputes that the bail has been granted in favour of accused Nos.1 to 3 and 5. The allegation against this petitioner is that she kidnapped the child and notice has also been issued against the petitioner under Section 41 of Cr.P.C. and she is cooperating with the Investigating Officer.

6. Having heard the respective learned counsel and also on perusal of the material available on record, the factual matrix of the case including the contents of the complaint, the other accused persons have been enlarged on bail and the petitioner is also entitled to bail subject to the condition that the petitioner shall assist the Investigating Officer for further investigation in the matter.

7. In view of the discussions made above, I pass the following:

ORDER The petition is allowed. Consequently, the petitioner shall be released on bail in the event of her arrest in connection with Crime No.17/2022 registered by Malleshwaram Police Station, Bengaluru City, for the offences punishable under Sections 361, 420 read with 34 of IPC, subject to the following conditions:

- (i) The petitioner shall surrender herself before the Investigating Officer within ten days from the date of receipt of a certified copy of this order and shall execute a personal bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties for the like-sum to the satisfaction of the concerned Investigating Officer.
- (ii) The petitioner shall not indulge in hampering the investigation or tampering the prosecution witnesses.
- (iii) The petitioner shall co-operate with the Investigating Officer to complete the investigation and she shall appear before the Investigating Officer, as and when called for.
- (iv) The petitioner shall not leave the jurisdiction of the Investigating Officer without prior permission till the charge-sheet is filed or for a period of three months, whichever is earlier.
- (v) The petitioner shall mark her attendance once in a month i.e., on 30th of every month between 10.00 a.m. and 5.00 p.m., before the Investigating Officer for a period of three months or till the charge-sheet is filed, whichever is earlier.

Sd/-

JUDGE MD