

Smt. Mangeethadevi vs State on 29 September, 2022

Author: K. Natarajan

Bench: K. Natarajan

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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29 TH DAY OF SEPTEMBER, 2022

BEFORE

THE HON'BLE MR. JUSTICE K. NATARAJAN

CRIMINAL PETITION NO.6272 OF 2022

BETWEEN:

1. SMT. MANGEETHADEVI,
W/O AMARJEETH RAM,
AGED ABOUT 26 YEARS,
FLOOR MILL, NEAR SHANI MAHATMA
TEMPLE, HORMAVU AGARA,
BENGALURU-560 043.
2. SMT. DURGA
W/O PREMABHADHUR
AGED ABOUT 45 YEARS,
GROUND FLOOR, R.K.B.N.R ENCLAVE,
5TH CROSS, BANJARA LAYOUT,
HORAMAVU, BENGALURU-560 043.
3. GOWRABSINGH,
S/O. LATE PREM SINGH,
AGED ABOUT 37 YEARS,
NO.B-1 ALPS NORTH BROOK,
16TH A CROSS, NEELADHRINAGAR,
ELECTRONIC CITY PHASE-1,
BENGALURU-560 100.

... PETITIONERS

(BY SRI. S.R. SREEPRASAD, ADVOCATE)

AND:

STATE OF KARNATAKA,
HENNUR POLICE, BENGALURU CITY,
REPRESENTED BY
LEARNED PUBLIC PROSECUTOR,
HIGH COURT BUILDING,

DR. AMBEDKAR VEEDHI,
BENGALURU-560 001.

... RESPONDENT

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 CR.P.C., PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.158/2022 OF HENNUR POLICE STATION, BENGALURU CITY FOR THE OFFENCE PUNISHABLE UNDER SECTION 363, 364-A OF IPC READ WITH SECTION 34 AND ETC.

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

ORDER

This bail petition is filed by accused Nos.1, 2 and 4 under Section 439 of Cr.P.C., seeking for grant of regular bail in Crime No.158/2022 registered by Hennur Police Station, Bengaluru City, for the offences punishable under Sections 364-A, 363 read with Section 34 of Indian Penal Code (in short 'IPC') pending on the file of 11th Additional CMM Court, Mayo Hall, Bengaluru.

2. Heard the arguments of learned counsel for the petitioners and learned High Court Government Pleader for respondent - State.

3. The brief facts of the case is that the complainant had filed a complaint alleging that on 8.25 p.m. the complainant's wife received phone call in which an unidentified person told that they have kidnapped their child and demanded ransom of Rs.50 lakhs for releasing the child. Immediately, the complainant lodged the complaint and the police made two teams for tracing the victim and with the help of GPS and phone call of accused No.4, they traced the house of the accused and rescued the child from accused No.4 and arrested accused No.4. On his voluntary statement, it was revealed that accused No.1 is a neighbour of the complainant, she gave information to accused No.2 and accused No.3 hatched conspiracy to kidnap and demanded ransom of Rs.50 lakhs. Accordingly, accused No.2 said to have taken the child to accused No.3 and accused No.3 is said to have left the child in house and made call to accused No.4. Subsequently, accused No.4 was arrested. On voluntary statement given by accused No.4, accused Nos.1 and 2 were also arrested. Accused No.3 is still absconding. The bail petition of these petitioners came to be rejected by the Sessions Judge and hence they are before this Court.

4. Learned counsel for the petitioners contended that accused Nos.1 and 2 are women and they are innocent. They are falsely implicated in this case on the voluntary statement given by accused No.4. Since no injuries is caused to the child and the child was rescued, the offence under Section 364-A will not attract. They are in custody since four months. Accused No.1 was pregnant at the time of arrest. Now she has delivered a child in the jail itself and they are ready to abide by any conditions imposed by this Court.

5. Per Contra, learned High Court Government Pleader contended that these petitioners are residents of different States. Accused No.1 is the neighbor, she gave information to accused Nos.2 to 4 and with the help of accused No.1, accused Nos.2 and 3 abducted the child and detained the child in the house of accused No.4. Accused No.4 demanded money at the instructions of these petitioners. The police traced and rescued the child. Accused No.2 is from Nepal and accused Nos.1 and 4 are from Bihar. If these accused are granted bail, they may flee away from justice and hamper the prosecution witnesses. They have committed heinous offence by kidnapping the child and demanding for ransom amount and accused No.3 is still absconding. Therefore, prays for dismissal of the petition.

6. Having heard the arguments and having perused the records, it is not in dispute that the police have rescued the child from the hands of the petitioners and the statement of the child was also recorded. It is submitted that accused No.4 came and took the child in auto rickshaw, on the way accused No.3 also joined and left the child in the house of accused No.4 along with other children and demanded ransom of Rs.50,00,000/- from the complainant. Accused Nos.1 and 4 are from Bihar and accused No.2 is from Nepal and now these petitioners are residing in Bengaluru. They are strangers to the complainant. In the statement recorded under Section 164 of Cr.P.C., the child has stated that aunty came and took him and handed over to the uncle. Therefore, the contention of the learned counsel for the petitioners that the child is not kidnapped is not acceptable. The test identification parade is not done for identifying the accused persons. Accused No.3 is still absconding and the other accused persons are not permanent residents of Bengaluru City. But CW2 has stated in the 164 statement that after the arrest of the accused they went to police and identified the accused persons. Considering the facts and circumstances that accused persons belongs to other States and if granted bail, it will not be possible to apprehend accused No.3. Therefore, petitioners are not entitled for bail.

Accordingly, the bail petition is dismissed with liberty to approach Court after examination of complainant, his wife and the child.

Sd/-

JUDGE AG