

IN THE COURT OF VI ADDITIONAL SESSIONS JUDGE,  
BENGALURU RURAL DISTRICT, BENGALURU.

Dated this the 19<sup>th</sup> day of March 2021

PRESENT:

Shri Mohan Badagandi,  
B.Com.LL.B(Spl.)  
VI Additional Sessions Judge,  
Bengaluru Rural District,  
Bengaluru.

SC.No.166/2020

Accused : Ravikumar alias Ravi (A-1)  
S/o Ramaiah,  
Aged about 35 years,  
R/at: Navagrama Village,  
Kengeri Hobli,  
Bengaluru South Taluk.

Represented by  
Sri. Ranganath Reddy Associates.,  
Advocate.

Vs.

Respondent : State of Karnataka by  
Kaggalipura police.

Represented by  
Public Prosecutor.

: ORDER :

This is a bail petition filed under Section 439 of Cr.P.C., for grant of regular bail in Crime No.179/2020 in this S.C. No. 166/2020 (CC.No. 10126/2020) of Kaggalipura police station registered for the offences punishable under Section 498A, 304B of Indian Penal Code and 3 and 4 of Dowry Prohibition Act.

2.Brief facts are as follows:-

The accused resided in the rented house of CW13 at Navagrama Kengeri Hobli, with deceased Gouramma. Daughter of CW1 deceased Gouramma and Accused were married on 15-06-2016 at Muthatti Anjaneya Swami temple, after the marriage, deceased and accused were cordial for about some days. Thereafter, accused drink at night quarreled, ill treated deceased for dowry from her parent's house. Deceased informed the same to her parents CW1 and 2 and they gave Rs. 40,000/- to accused and told accused not to give ill treatment to deceased and came back to their house. But accused had continued his old attitude and quarreled and ill treated deceased for more dowry from her parents. On 09-09-

2020, due to ill treatment of the accused deceased hanged herself to the ceiling fan of the room by saree.

3. The petitioner has contended that on perusal of the postmortem report indicates that here are no external injuries found on the body of the deceased and hence it is very clear that deceased was not subjected to any cruelty immediately before her death. There are no previous complaint with respect to demands made by the accused and his parents for the alleged sum and other previous demands placed by the accused and his parents. Itself creates doubt in the version of the complainant. The accused had undergone a surgery on his right leg in the ankle region and during the course of surgery, a rod inserted on the right ankle of the accused in the year 2013. Accused No. 1 has pain and swelling on the right ankle region for which he is being treated inside the central prison hospital. Accused is entirely innocent of the offences alleged against him and he has been falsely implicated. He is permanent resident of the address mentioned in the cause title. He is ready and willing to furnish surety. Among other grounds he has prayed to allow the petition.

4. On the other hand, the learned Public Prosecutor has filed objection to the petition and reiterated the very facts of the prosecution case and further contended that the accused/ petitioner has not made out reasonable grounds to grant him regular bail. The charge sheet is filed. Now the case set down for the trial. If bail is granted, he may abscond, threaten and destroy the prosecution witnesses. Among other grounds, the learned Public Prosecutor prayed to reject the bail petition.

5. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor for the State.

6. After hearing, the point that arises for consideration is:

“Whether the petitioner has made out a case for granting regular bail by resorting to the special powers vested in this Court under Section 439 Cr.P.C.?”

7. My answer to the above point is in affirmative.

### **REASONS**

8. Prima facie the complaint averments indicate that the accused and deceased are husband wife, both resided in the rented house of CW13 at Navagrama Kengeri Hobli, Their marriage performed on 15-06-2016 at Muthatti Anjaneya Swami temple, after the marriage deceased and accused were cordial for about some days. After that accused drink at night, quarreled, ill treated deceased for further dowry. Deceased informed the same to her parents CW1 and 2 and they given Rs. 40,000/- to accused and told accused not to give ill treatment to deceased but accused not stopped and ill treated deceased for more dowry. On 09-09-2020, due to ill treatment of accused, deceased hanged herself to the ceiling fan of the room by saree.

9. The counsel for the petitioner argued that the accused has to undergo a surgery on his right leg in the ankle region. He was already operated in 2013, during the course of surgery, a rod was inserted on the right ankle of the accused No. 1. Accused No. 1 has pain and

swelling on the right ankle region for which he is treated inside the central prison hospital, for better treatment and checkup, the accused No. 1 was taken to Sanjay Gandhi Hospital on 12-02-2021 and the doctor has opined that the accused No. 1 needs to undergo another surgery on his right ankle region where he under went an surgery in the year 2013. The opinion of the Jail authority is called. They submitted that the accused needs surgery and that surgery equipment are not available in the prison. Hence, the petitioner is entitled for bail on medical ground.

10. The charge sheet is filed Now the case is pending for adjudication. He is not required for test identification parade. The allegations that the petitioner and remaining accused have committed offences by ill-treating the deceased and demanding the further dowry. The POST MORTEM indicates that no external injury over the deceased body. No complaint filed prior her death against the accused for ill treating the deceased. Whether deceased ill treated the deceased and deceased death was due to harassment of accused is the question full pledged trail.

11. The recovery from the remaining accused and voluntary statement of co-accused can be considered at the time of the final hearing. Now the case is for trial. The trial takes considerable time.

12. The alleged offences against the petitioner is exclusively punishable with death or imprisonment for life. The petitioner is suffering from illness he needs urgent attention of the surgery. Injury gets infection. Otherwise infection covers his entire body. He is ready to furnish surety to the satisfaction of the court and ready to abide by conditions that may be imposed on him while granting the bail.

13. The apprehension of the prosecution is, that if, the bail granted to the petitioner, he may threaten the prosecution witnesses and may destroy the prosecution materials. These all can be met by imposing stringent conditions on the petitioner to safeguard the interest of prosecution.

14. Having regard to the facts and circumstances of the case, the accused deceased are husband and wife. Now, the case is at trial stage, It takes considerable time. I have

considered the backgrounds which caused the offence. I have not found any justification to decline the discretionary power of grant of anticipatory bail by this court in favour of the Accused. Hence, I answer point No.1 in the affirmative.

15. **Point No.2:** In view of the reasons assigned to point No.1 as above, I proceed to pass the following:

**ORDER**

The application filed by  
Petitioner/Accused No.1 under Section 439  
of Cr.P.C., is hereby allowed.

Accused No.1 shall be enlarged on bail on his executing a personal bond in a sum of Rs.1,00,000/- with two local solvent sureties for the like sum to the satisfaction of the court subject to the following conditions:

- 1) He shall appear before the before Court on all hearing dates without fail failing which bail is liable to be cancelled.
- 2) He shall mark his attendance till conclusion of trail before the

complainant police station on every second Sunday of every month.

- 3) He shall not abscond, threaten or tamper with prosecution witnesses.
- 4) He shall not commit similar offences in future.
- 5) He shall not leave the jurisdiction of the Court without prior permission of the Court.
- 6) The prosecution has liberty to get cancelled the order, if the accused violates any of the above conditions.

(Directly typed by me on the computer and corrected by me and then pronounced in Open Court on this the 19<sup>th</sup> day of March 2021)

(Mohan Badagandi)  
VI Additional Sessions Judge,  
Bengaluru Rural District,  
Bengaluru.