

KABR200008122022



Presented on : 25-11-2022
Registered on : 25-11-2022
Decided on : 15-12-2022

**IN THE COURT OF THE III ADDL. DISTRICT & SESSIONS
JUDGE, BENGALURU RURAL DISTRICT,
SIT AT ANEKAL.**

: PRESENT:

**Sri. KARABARI RAVINDRA, B.A. LL.B. (SPL)
III Addl. District & Sessions Judge,
Bengaluru Rural District, sit at Anekal.**

DATED THIS THE 15TH DAY OF DECEMBER 2022

Crl. Misc. No.5458/2022

BETWEEN :

1. Sri. Saranraj, S/o S. Parthiban,
Aged about 34 years, R/at # 1, Na
Allimuttu Street, Kaveripakkam
Village, Tamil Nadu.

: Petitioner No.1 /
Accused No.1

2. Smt. Kumari, W/o Shanmuga
Nayakkar, Aged about 52 years,
R/at # 9/6, II Street, Udayam
Nagar, Ramapuram, Kadapperri
Vellori, Tamil Nadu.

: Petitioner No.2 /
Accused No.3

3. Sri. Allimithu S/o Shanmugam,
Aged about 63 years, R/at #
17/45, Allimuttu Street,
Kaveripakkam Village, Tamil Nadu.

: Petitioner No.3 /
Accused No.5

4. Sri. Parthiban, S/o Shanmugam,
Aged about 71 years, R/at #
17/45, Allimuttu Street,
Kaveripakkam Village, Tamil Nadu.

: Petitioner No.4 /
Accused No.6

(Represented by Sri. B.V.M.G.,
Advocate)

Vs

State of Karnataka represented
by Sarjapura Police Station,
Bengaluru.

: Respondent.

(Represented by Learned Public
Prosecutor)

: O R D E R S :

The Petitioners have filed the bail application under section 438 of Cr.P.C. with an request to grant the Anticipatory Bail in Cr.No.283/2022 of Sarjapura Police Station for the offence punishable under section 323, 498A, 504, 506 of Indian Penal Code and section 3 and 4 of Dowry Prohibition Act.

2. The brief fact of the bail application is that, the complainant has filed the complaint with allegation that the complainant is working as sales operation specialist. The complainant has got offer from Tamil Matrimony for marriage and at that time the husband of the complainant was working as Engineer and earning sum of Rs.1,00,000/- and visited to the parents house of the complainant. They demanded 50 sovereign gold, house hold articles and car as dowry. The husband of the complainant was given Bracelet, gold chain, two finger rings and performed the marriage on 22.04.2021 and the said marriage was registered in the office of Registrar of Marriage. Later on the petitioner no.1 has demanded sum of Rs.50,000/-. Earlier engagement was fixed. Further demanded Rs.7,00,000/-. So as such petitioners have given torture to her. So on the basis of complaint registered the Cr.No.283/2022 of Sarjapura Police Station for the offence punishable under section 498A, 323, 504, 506 of Indian Penal Code and section 3 and 4 of Dowry

Prohibition Act. There is apprehension of arrest and applied for bail on the following grounds.

3. The Petitioners are innocent. They have not committed any offences. They have been falsely involved. The false allegation made in the complaint. They are ready to abide any conditions imposed by this court and requested to allow the bail application.

4. The Learned Public Prosecutor has filed objection on the ground that on the basis of complaint registered the Cr.No.283/2022 in Sarjapura Police Station for the offence punishable under section 498A, 323, 504, 506 of Indian Penal Code and section 3 and 4 of Dowry Prohibition Act. Further contended that as per averments made in the complaint. Further contended that the bail application is not legally maintainable. Further contended that in case of released on bail there is chances of tampering prosecution witnesses, causing hindrance in the

investigation and absconding the jurisdiction and requested for rejection.

5. Heard, perused the records the following Points arises for my consideration as under : -

1. Whether the petitioners have made out the prima-facie to grant the bail under section 438 of Cr.P.C. and application is fit to be allowed.?

2. What order?

6. My findings on the above Points are as under:

Point No.1:	In <i>Affirmative.</i>
Point No.2:	As per final Order

7. **Reasons on Point No.1** :- I have perused the averments made in the bail application, its objection and police papers. The complainant has filed the complaint with allegation that at the time of marriage 50 sovereign gold, house hold articles and one car was given as dowry.

The husband of the complainant was given Bracelet, gold chain, two finger rings at the time of marriage. Thereafter Petitioners were given torture to her to bring more gold and cash from her parents house. So I am of opinion that the allegation made in the complaint in respect of dowry harassment. So the said fact can be decide at the time of trial. All the offences are bailable except section 498A of Indian Penal Code. The offence under section 498A of Indian Penal Code is non-bailable but not punishable with death or life imprisonment and triable by Judicial Magistrate first class. This court relied upon **Criminal Special Petitioner Crl. Appeal No.7281-7282/2017 Smt. Sushila Aggarwal and others V/s State (NCT of Delhi) and others.** The Hon'ble Apex Court held that bail is a rule, jail is exception. In view of principle laid down in above said judgment the Petitioners have made out prima facie case to grant bail under section 438 of Cr.P.C.. In view of above said reasons this court held **point no.1 in the Affirmative.**

8. **Reasons on Point No.2** : - In view of reasons on in point no.1 I proceed to pass the following Order : -

: O R D E R :

The bail petition under section 438 of Cr.P.C filed by the petitioners is hereby allowed and in the event of their arrest in Cr.No.283/2022 of Sarjapura Police Station for the offences punishable under sections 498 A, 323, 504, 506 of Indian Penal Code and section 3 and 4 of Dowry Prohibition Act they shall released on bail on execution of personal bond of Rs.50,000/- each with like sum of one surety with the following condition.

1. They shall not tamper prosecution witnesses.

2. They shall appear before the investigation officer as and when required.

3. They shall mark the attendance before the concerned police station on every fortnight on Saturday between 10-00 A.M. to 4-00 P.M.

4. The Petitioners and surety shall furnish the recent passport size photo with mobile number.

The above said conditions are in enforcement for a period of 90 days or till filing of charge sheet whichever is earlier.

(Dictated to the Stenographer, typed by her, corrected by me and then pronounced in the Open Court on **15th day of December 2022**).

(KARABARI RAVINDRA)
III Addl. District & Sessions Judge,
Bengaluru Rural District,
Sit at Anekal.

15.12.2022.

Orders Pronounced in the Open Court. The Operative Portion of the said Orders is as follows : -

: O R D E R :

The bail petition under section 438 of Cr.P.C filed by the petitioners is hereby allowed and in the event of their arrest in Cr.No.283/2022 of Sarjapura Police Station for the offences punishable under sections 498 A, 323, 504, 506 of Indian Penal Code and section 3 and 4 of Dowry Prohibition Act they shall released on bail on execution of personal bond of Rs.50,000/- each with like sum of one surety with the following condition.

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4. The Petitioners and surety shall furnish the recent passport size photo with mobile number.

The above said conditions are in enforcement for a period of 90 days or till filing of charge sheet whichever is earlier.

(Vide my separate detailed Orders dated 15.12.2022).

(Typed as per my dictation)

(KARABARI RAVINDRA)
III Addl. District & Sessions Judge,
Bengaluru Rural District,
Sit at Anekal.

