

IN THE COURT OF THE III ADDL. DISTRICT & SESSIONS
JUDGE MANDYA (SITTING AT SRIRANGAPATTANA)

Dated: 18th May, 2018

PRESENT

Sri.KASANAPPA NAIK, M.A., LL.M.,
III Addl. District & Sessions Judge,
Mandya (Sitting at Srirangapattana)

S.C. No.5017/2018

Complainant : The State of Karnataka,
Arakere Police Station.

(Rep. by learned Public Prosecutor)

V/s.

Accused : Sannaboraiah @ Bora.

- A1. Sannaboraiah @ Bora S/o Late Javaraiah. 40 years.
R/at Arakere Village & Hobli,
Srirangapattana Taluk, Mandya District.

(Rep. by Sri.B.R.V., Advocate)

ORDER

The Accused has filed this Bail Petition U/S.439 Cr.P.C.,
seeking regular bail in this case.

2. The Accused in the bail Petition has contended that, he
is innocent and has not committed any offenses alleged in the
case. He stated that, he is in Judicial Custody since,
23.10.2017 and he is not required for investigation. He has
contended that, he is permanent resident of the address

mentioned in the petition. He had filed bail application under S.439 of Cr.P.C., in CrI.Misc.No.5466/17 and this Court rejected the same by order dated 10.11.2017. Now, the charge sheet is filed and the petition is no more required for investigation. He is ready to abide by the conditions imposed by the Court and thus, prayed to allow the bail petition.

3. The learned Public Prosecutor has filed his detailed objections denying the averments of the bail petition. It is contended that, the offenses alleged is serious in nature and since the investigation is completed there is prima-facie case against the accused. The offenses being serious in nature, the accused cannot be granted bail and thus, prayed to reject the bail application.

4. On the above said material following points arise for my consideration:

POINT No.1 : Whether the accused has made out grounds for grant of bail U/S.439 of Cr.P.C.?

POINT No.2 : What order?

5. I have heard the learned counsel for the accused and learned Public Prosecutor. Perused the material on record.

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

POINT No.1 : In the Negative.

POINT No.2 : As per final order for the following:

REASONS

7. **POINT NO.1:-** It is seen that, in pursuance to complaint filed by Mr.Vijendra S/o Subbaiah, on 11.01.2018 at 10 a.m., the SHO., of Arakere Police Station, registered a case in Crime No.176/2017 for the offenses punishable U/Ss.498A, 306 and 302 R/w S.149 of the IPC against the accused and issued FIR. The FIR discloses that, on 11.8.2017 at 9 p.m., the marriage of deceased Jayakumari was solemnized with the accused in the year 2005 by giving money and gold ornaments. There are two male children out of wedlock and it is alleged that, since many years the accused has illicit relationship with the woman namely, Savithri of Arakere Village and that, he was insisting the deceased to bring more money for leading luxurious life. This fact was stated by deceased before the Complainant, who is her brother and that, the Complainant along with his relatives had advised accused to mend his behavior. He stated that, in the last year he had paid Rs.6,00,000/- to the accused for constructing house at Arakere, but the accused had continued the ill treatment. On 11.8.2017 the accused had assaulted the deceased, abused and instigated her to go and die and that, she should better die. Thus, the deceased unbearable with the harassment, hanged herself and committed suicide. The son of accused namely, Prasad intimated the Complainant over phone and when he went to spot, the body was laid in front of the house and that, said Prasad informed the

Complainant about the quarrel between the petitioner and deceased, when the Prasad informed the accused had broken the Almariah, he verified the same and thus, filed complaint.

8. On careful perusal of material on hand reveal that, the allegation against accused was investigated and the I.O., has filed charge sheet against the accused for the offenses punishable under Ss.498A and 306 of the IPC and the same is committed to this Court. The offenses involved is serious in nature and the investigation having been completed at this stage, there is a prima-facie case against the accused. It is well-settled that, mere filing of charge sheet cannot be considered as a changed circumstances to grant bail under S.439 of Cr.P.C. In this case, except the said ground no other grounds have been put-forth to entertain the bail petition. The gravity of the offense involved indicates that, the Petitioner has not made out grounds for grant of bail. Therefore, in view of the facts and circumstances of the case. I find that, the petitioner has not made out grounds for grant of bail. Hence, I have answered point No.1 in the Negative.

9. **POINT NO.2:-** In view of the above discussion, I proceed to pass the following:

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ORDER

The Petition filed by the Petitioner
U/S.439 of Cr.P.C is rejected.

(Dictated to the Judgment Writer on online computer, corrected by me and then pronounced in the open court on the 18th May, 2018.)

(Kasanappa Naik)
III Additional District & Sessions Judge,
Mandya [Sitting at Srirangapattana]

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Order pronounced in the open Court
(vide seaprate order)

ORDER

The Petition filed U/S.439 of Cr.P.C by
Accused is hereby rejected.

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