

**IN THE COURT OF PRL DISTRICT AND SESSIONS JUDGE
AT TUMAKURU**

DATED: THIS THE 6TH DAY OF JANUARY, 2021

PRESENT: SRI. G.S.SANGRESHI
B.A., LL.B., (Spl.)
PRL. DISTRICT AND SESSIONS JUDGE
TUMAKURU

CRL. MISC. PET. NO.2 OF 2021

PETITIONER:

SRI VISHWA S/O RAVI
C/O ANNAYAPPA
AGED ABOUT 30 YEARS
R/O GERUPALYA
KAMBALAGODU
BENGALURU
(Arrayed as accused No.2)

(BY SRI DODDASHANAIAH. R.V., ADVOCATE)

-VERSUS-

RESPONDENT:

THE STATE BY GUBBI POLICE

(REP. BY PUBLIC PROSECUTOR)

ORDER

This is a petition filed by the petitioner U/sec.438 of
Cr.P.C., for grant of anticipatory bail, in the event of his
arrest in Cr. No.215/2020 of Gubbi P.S., for the offences

punishable U/sec.323, 493, 494, 495, 499, 504, 506 R/w 34 of Indian Penal Code.

2. It is stated in the petition that, the petitioner has not committed any offences and he has been falsely implicated in this case. He is innocent, law abiding citizen and respectable person in the society having movable and immovable properties. The allegations made in the complaint are all false and there is inordinate delay in filing the complaint, which has not been explained by the complainant. He is ready to offer substantial surety and ready to abide by the terms and conditions to be imposed by the court. Accused No.1, 3 and 4 have been granted with anticipatory bail by this Court in Crl. Misc. Pet. No.1200/2020 and on the ground of parity, the petitioner is also entitled for bail. He apprehends the arrest by the police and as such, it is prayed for grant of anticipatory bail.

3. On the other hand, the Learned Public Prosecutor has filed objections to the petition alleging that,

the accused No.1, being the wife of the complainant has undergone the second marriage with the petitioner, when her marriage was in existence with the complainant. It is alleged that, during a panchayath, the accused persons have assaulted the complainant and his father and they were also threatened with dire consequence. The investigation is still in progress and the petitioner is absconding since the date of the incident and not available for investigation. The Investigating Officer has to collect material and record statements of the witnesses. At this stage, if the petitioner is granted with anticipatory bail, he may threaten the complainant and prosecution witnesses and may abscond again. Hence, it is prayed for rejection of the petition.

4. Heard the arguments.

5. The following points arise for my consideration:

1. Whether the petitioner is entitled for grant of anticipatory bail, as sought for. ?
2. What order.?

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

Point No.1 : In the Affirmative.

Point No.2 : As per the final order, for the following:

REASONS

7. **Point No.1:** The case of the prosecution is that, on 01-10-2020, the complainant Rangaswamy has filed a private complaint U/sec.200 of Cr.P.C., in the court of the Senior Civil Judge and JMFC, Gubbi, wherein he has alleged as under:

That, he has married one Sonika/accused No.1 on 25-08-2019, as per the customs and she resided with him for about six months. Subsequently, the accused No.3 Kantharaju and accused No.4 Girijamma took Sonika to Gerupalya near Kumbalagodu, Bengaluru and were staying there. It is alleged that, accused No.3 and 4 got married accused No.1 with accused No.2/petitioner and on coming to know about the same, when the father of the complainant asked them over the phone, they have threatened him. On 23-09-2020, at 1-00 pm., a panchayath

was convened to resolve the issue and at that time, accused No.3 and 4, abused the complainant and his father in filthy language and also kicked them with chappal. At that time, the persons gathered in the panchayath, pacified the dispute. On presentation of the complaint, the Learned Senior Civil Judge, Gubbi, has referred the complaint to Gubbi police for investigation and report U/sec.156(3) of Cr.P.C. Then, the case came to be registered in Gubbi P.S. Cr. No.215/2020, for the offences punishable U/sec.323, 493, 494, 495, 499, 504, 506 R/w 34 of Indian Penal Code. The petitioner, apprehending the arrest, has approached this Court seeking grant of anticipatory bail.

8. I have gone through the complaint and F.I.R. The allegations made in the complaint would reveal that, the accused No.1 Sonika is the wife of the complainant. The complainant has alleged that, his wife ie., accused No.1 has undergone the second marriage with the

petitioner, when her marriage was in existence with him. But at this stage, except the complaint, there is no documentary evidence to support the said allegation. The complainant also alleges abuse, assault and threatening by the accused persons on his person as well as his father. But, it is not the case of the complainant that, either he or his father have suffered any injury because of the alleged assault by the accused persons. At this stage, except the complaint, there is no materials to support the allegations made in the complaint. However, the veracity of the allegations in the complaint is to be ascertained during the full-fledged trial. The offences alleged are exclusively triable by the Magistrate and they are not punishable with death or imprisonment for life. The petitioner is stated to be permanent resident of the address as shown in the cause-title of the petition and he undertakes to abide by the terms and conditions to be imposed by the court. Further, the accused No.1, 3 and 4 have been granted anticipatory bail by this Court in Crl. Misc. Pet.

No.1200/2020 and on the ground of parity, the petitioner is also entitled for anticipatory bail. Under these facts and circumstances of the case, I do not find any impediment for admitting the petitioner on anticipatory bail. However, certain conditions are required to be imposed against the petitioner to safeguard the interest of the prosecution. Accordingly, I answer point No.1 in the affirmative.

9. Point No.2: In view of my finding on point No.1, I proceed to pass the following:

ORDER

The petition filed U/sec.438 of Cr.P.C., by the petitioner for grant of anticipatory bail, is hereby allowed.

The petitioner is ordered to be enlarged on bail in the event of his arrest in Gubbi P.S. Cr. No.215/2020 for the offences U/sec.323, 493, 494, 495, 499, 504, 506 R/w 34 of Indian Penal Code, on his executing personal bond in a sum of Rs.50,000-00 with one surety for the like-sum subject to following:

CONDITIONS

1. The petitioner shall not tamper with the prosecution witnesses.

2. The petitioner shall not directly or indirectly lure, influence or coerce any of the prosecution witnesses, who are acquainted with the facts of the case.
3. The petitioner shall appear before the Investigating Agency whenever so directed.
4. The petitioner shall surrender before the Investigating Officer within 15 days and in the event of his surrender, the Investigating Officer shall release him on bail as directed above.

(Dictated to the Judgment Writer directly on computer, script corrected by me and then order signed and pronounced in the open Court on this the 6th day of January, 2021)

(G.S.Sangreshi)
Prl. District and Sessions Judge
Tumakuru

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