

Crl.Misc. No.25931/2021
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IN THE COURT OF THE LVII ADDL. CITY CIVIL & SESSIONS JUDGE,
AT MAYO HALL, BENGALURU.
(CCH-58)

Present:

Smt.K.G.Shanthi, *B.Com., LL.M.*,
LVII Addl.City Civil & Sessions Judge,
Bengaluru.

Dated this the 24th day of August, 2021.

Crl.Misc. No.25931/2021
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PETITIONER:

Chandrashekar,
S/o. Late Gurumurthappa,
Aged about 33 years,
R/at Basavapatna Hobli,
Veerabhadreshwara Temple Road,
Channagiri Taluk, Thyavanige,
Channagiri, Davangere,
Karnataka-577 544.

[Repted. By Sri. *Tahura Anzar*, Adv.]

Crl.Misc. No.25932/2021

PETITIONER:

Rajesh Kumar S/o. Durai,
Aged about 40 years,
R/at GVN Residency No.304,
4th Floor, MLA Layout,
3rd Cross, Kalena Agrahara,
Near Hello Kids School,
Bangalore South, Bengaluru-560 078.

[Repted. By Sri. *Tahura Anzar*, Adv.]

Crl.Misc. No.25933/2021

PETITIONERS:

- 1) **Ms.Priyadarshini R.,**
D/o. A.Raghavan,
Aged about 28 years,
R/at No.341, Koppa,
Anekal Taluk,
Bangalore-560 105.
- 2) **Mr.Siva,**
S/o. Chokkalingam,
Aged about 40 years,
R/at Kalyani Colony,
Ellaiyammal Kovil Street,
Thiru Pattinam,
Thirumalairayanpatnam,
Karaikal, Pondicherry-609606.
- 3) **Mr.Elanchezhlan Karunakaran,**
S/o. Karunakaran,
Aged about 32 years,
R/at No.19A-2,
I.P. Kovil South Street,
Vijayapuram,
Thiruvarur Taluk,
Tamilnadu -609606.

[Repted. By Sri. *Tahura Anzar*, Adv.]

- V/S -

RESPONDENT:

State by **H.A.L. Police Station,**
Bengaluru City.

[By Public Prosecutor]

ORDER on Petition u/s 438 Cr.P.C.

The Petitioners have stated that the HAL Police registered the case against them in crime No.185/2021 for the offence punishable u/s 306 r/w. 34 of IPC.

2. The brief facts of the case is that, Smt.Anbarasi M. filed a complaint before the respondent Police on 12.08.2021 stating that, her husband committed suicide. In the complaint it is contended that, her husband was worked as Sales Manager in ASIAN LIFTS from December 2018, but no salary given. When he demanded the salary M.D.Rajesh insulted her husband with vernacular language and made fallen propaganda against her husband and he tarnished the image of her husband. So, her husband committed Suicide. The respondent Police based on the complaint registered the FIR bearing No.185/2021, dt.12.08.2021. Hence, the above petitioners filed the petitions seeking for an anticipatory bail.

3. The petitioner in Crl.Misc.No.25932/2021 contended that, the respondent Police detained him for nearly 8 hours without any reason and Police have repeatedly calling him of dire consequences with malafide intention. Hence, he is having an apprehension of arrest by the Police. He also contended that, inspite of request Police have not supplied the copies of the

complaint and FIR. It is also contended that, petitioner has not committed any offence and there is no prima-facie material to show that involvement of this petitioner. He has no criminal records and he is ready to extend all co-operation to the investigation. Accordingly, prayed for grant of Anticipatory bail.

4. The petitioner in Crl.Misc.No.25931/2021 and Crl.Misc.No.25933/2021 sought for an anticipatory bail stating that, they are having apprehension of arrest by the Police. Further stated that, they are law abiding citizens and ready to assist Police for investigation.

5. The learned P.P. filed his objection stating that, if anticipatory bail is granted to the petitioner Rajesh Kumar in Crl.Misc.No.25932/2021, he will misuse the Order and also stated that, there is no material placed by the petitioner for grant of anticipatory bail.

6. Further it is contended that, the petitioner in Crl.Misc.No.25931/2021 by name Chandrashekar G. The petitioner in Crl.Misc.No.25933/2021 by name Ms. Priyadarshini R., Mr.Siva and Mr.Elanchezhan Karunakaran are not entitled for bail as there is no material against them. Accordingly, prays to reject the bail petition filed by the petitioners.

7. Memo with FIR produced by the petitioners and copy of the CD also furnished by the P.P. Perused the records available before the court.

8. The points arose for my consideration are:

1. Whether the petitioner in Crl.Misc.No.25931/2021 is entitled for anticipatory bail u/s 438 of Cr.P.C.?
2. Whether the petitioner in Crl.Misc.No.25932/2021 is entitled for anticipatory bail u/s 438 of Cr.P.C.?
3. Whether the petitioner in Crl.Misc.No.25933/2021 is entitled for anticipatory bail u/s 438 of Cr.P.C.?
4. What order?

9. My findings to the above points are under:

Point No.1: In the Negative

Point No.2: In the Affirmative

Point No.3: In the Negative

Point No.4:As per final order
for the following:

REASONS

10. **Point No.1 to 3:-** The respondent Police have registered the FIR in Crime No.185/2021 based on the complaint lodged by the wife of deceased Sateesh Kumar. In the complaint she averred

that, the petitioner Rajesh Kumar insulted her husband and not paid the salary and called her husband as a thief and thereby tarnished the reputation of her husband, hence, her husband committed suicide.

11. According to the prosecution, if bail is granted there may be every chance of petitioners misuse the order passed by this court. On perusal of the complaint, it does not reflect any allegation against the petitioners in Crl.Misc.25933/2021 and Crl.Misc.No.25931/2021. Nothing material placed by them before the court to show that, there is an apprehension of arrest by the Police. FIR does not reflects the name of the petitioners in Crl.Misc.25933/2021 and Crl.Misc.No.25931/2021. There is no material to reasonably believe that there is an apprehension of arrest to the petitioners in Crl.Misc.No.25931/2021, Crl.Misc.No. 25933/2021. So, in my opinion no blanket order can be passed by granting an anticipatory bail.

12. Regarding petitioner in Crl.Misc.No. 25932/2021 is concerned Police have registered the FIR against him. The Police are investigating the matter. According to the complainant, this petitioner has not paid salary to her husband, when her husband demanded salary, the petitioner abused him and called him as a

thief, which resulted with the committal of suicide by Sateesh Kumar. The Police have registered the FIR against him for the offence P/U/Sec.306 of IPC, which is non-bailable in nature.

13. Whether the petitioner abated Sateesh Kumar to commit suicide or Whether he insulted Sateesh Kumar or not should be seen only after the investigation. The petitioner undertakes that, he is ready to co-operate for investigation. There is no prima-facie material to show that, there is an overtacts by this petitioner. The petitioner is ready to abide any of the conditions imposed by this court. So, by looking into the materials on record, I am of the opinion that, it is reasonable to grant an anticipatory bail to the petitioner in Crl.Misc.No.25932/2021 by imposing conditions.

14. With the above discussions Crl.Misc.No.25931/2021 and Crl.Misc.No.25933/2021 are answered in ***Negative*** and Point No.3 in Crl.Misc.No.25932/2021 is answered in ***Affirmative***.

15. **Point No.4:** On the above findings, I proceed to pass the following:

ORDER

The Crl.Misc.No.25931/2021 and
Crl.Misc.No.25933/2021 filed by the
petitioners u/s 438 of the Cr.P.C. is hereby

dismissed with respect to Crime No. 185/2021 of HAL police for the offence punishable u/s 306 r/w. 34 of IPC.

The Crl.Misc.No.25932/2021 filed by the petitioner **Rajesh Kumar** S/o. Durai u/s 438 of the Cr.P.C. is hereby allowed with respect to Crime No. 185/2021 of HAL police for the offence punishable u/s 326 r/w. 34 of IPC with following conditions:-

- 1) Petitioner shall execute personal bond for a sum of Rs.1,00,000/- with one surety to the likesum to the satisfaction of IO/Jurisdictional Court for his appearance.
- 2) He shall make himself available for interrogation by a Police Officer as and when required.
- 3) He shall not directly or indirectly make any inducement, threat to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

- 4) Petitioner shall not leave the jurisdiction of the court without prior permission.
- 5) He shall produce the documents for his address proof.

(Dictated to the Judgment-writer, transcribed and computerized by him, then corrected and pronounced by me in the open court on this the 24th day of August, 2021.)

(Smt. K.G. SHANTHI)
LVII Addl. CC & Sessions Judge,
M.H.Unit, Bengaluru.

Order pronounced in the open court
(vide separate order)

ORDER

The Crl.Misc.No.25931/2021 and Crl.Misc.No.25933/2021 filed by the petitioners u/s 438 of the Cr.P.C. is hereby dismissed with respect to Crime No. 185/2021 of HAL police for the offence punishable u/s 306 r/w. 34 of IPC.

The Crl.Misc.No.25932/2021 filed by the petitioner **Rajesh Kumar** S/o. Durai u/s 438 of the Cr.P.C. is hereby allowed with respect to Crime No. 185/2021 of HAL police for the offence punishable u/s 326 r/w. 34 of IPC with following conditions:-

1) Petitioner shall execute personal bond for a sum of Rs.1,00,000/- with one surety to the likesum to the satisfaction of IO/Jurisdictional Court for his appearance.

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4) Petitioner shall not leave the jurisdiction of the court without prior permission.

5) He shall produce the documents for his address proof.

LVII Addl. CC & Sessions Judge,
M.H.Unit, Bengaluru.