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Mr. Deepak vs State of Karnataka

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Court : Karnataka

Decided On : May-22-2025

Judge : S Rachaiah

Appeal No. : CRL.A/1056/2025

Appellant : Mr. Deepak

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF MAY, 2025 BEFORE THE HON'BLE MR JUSTICE S RACHAIAH CRIMINAL APPEAL NO.1056 OF 2025 BETWEEN: MR. DEEPAK SON OF JAYARAM SHETTY AGED ABOUT 28 YEARS RESIDING AT NO.6-25 SEETHA NILAYA KANCHANA KAMBALE HOUSE MAME, AJEKAR, KARKALA UDUPI-574 101. APPELLANT (BY SRI SOMASHEKHARA HARVI, ADVOCATE) AND:

1. STATE OF KARNATAKA

BY MICO LAYOUT P.S. REPRESENTED BY STATE PUBLIC PROSECUTOR HIGH COURT BUILDING Digitally signed by SREEDHARAN BENGALURU-560 001. BANGALORE SUSHMA LAKSHMI 2. MRS. GEETA V. Location: High Court of WIFE OF MR. DEEPAK Karnataka AGED ABOUT 30 YEARS RESIDING AT NO.37 2ND CROSS, 3RD MAIN VIJAYA BANK LAYOUT AREKERE BENGALURU-560 007. RESPONDENTS (BY SRI K. NAGESHWARAPPA, H.C.G.P.) -2- THIS CRIMINAL APPEAL IS FILED UNDER SECTION 14A(2) OF

SC AND ST (POA) ACT, 1989 PRAYING TO SET ASIDE THE ORDER

PASSED BY THE LEARNED LXX ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, AT BENGALURU IN CRL.MISC.NO.3397 OF 2025 (CRIME NO.116 OF 2025) REGISTERED WITH THE MICO LAYOUT P.S FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 115(2), 3(5), 351(2), 351(3), 352, 85 OF BNS 2023 AND SECTION 3 AND 4 OF DP ACT, SECTION 3(1)(r)(s) OF THE SC/ST (POA) ACT, 1989, AND ENLARGE HIM ON BAIL IN CRIME NO.116 OF 2025, NOW PENDING ON THE FILE OF THE LXX ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AND SPECIAL JUDGE, BENGALURU (CCH-71).

THIS CRIMINAL APPEAL COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER: CORAM: HON'BLE MR JUSTICE S RACHAIAH

ORAL JUDGMENT

1. This appeal is filed by the appellant/accused No.1 being

aggrieved by the order dated 09.05.2025 in Crl.Misc.No.3397/2025 passed by the LXX Additional City Civil and Sessions Judge and Special Judge, Bengaluru (CCH-71) and seeking for releasing him on regular bail. Factual matrix of the case:

2. It is the case of the prosecution that on 17.04.2025, the

complainant lodged a complaint stating that she was working at a private company. On 15.05.2024, the appellant introduced himself to the complainant

the LinkedIn App. The appellant had assured her that he would make necessary arrangements to secure a suitable job to the complainant. Later, he had also promised that he would marry her. In that pretext, it is stated that he had committed sexual intercourse on her. Further, on 20.12.2024, the appellant and the complainant got their marriage registered in the office of the Sub-Registrar at Banashankari, Bengaluru. Soon after the marriage, the appellant was harassing her on the pretext that she has to pay the dowry of Rs.15,00,000/- to take her to his house as she belongs to scheduled caste. On 24.12.2024, she attempted to commit suicide. However, she survived.

3. It is further stated on 06.03.2025, the appellant and

accused Nos.2 and 3 went near BTM Layout II Stage, scolded her in filthy language and demanded Rs.15,00,000/- and also threatened her that they would take away her life. Therefore, she lodged a complaint before the respondent - Police. The respondent - Police registered a case in Crime No.116/2025 under the various provisions. The matter is pending for investigation. -4-

4. Heard Sri Somashekhara Harvi, learned counsel for the appellant and Sri K. Nageshwarappa, learned High Court Government Pleader for respondent No.1.

5. It is the submission of learned counsel for the appellant

that the appellant is innocent of the alleged offences and he has been falsely implicated in this case. Though the complainant made an allegation that the appellant demanded dowry in the form of cash, the fact remains that he is the person who secured her suitable job and also married her. After the marriage, she does not want to live with him peacefully and she wanted to go away from the appellant. Therefore, she lodges a false complaint in order to harass the appellant in one or the

other pretext. Therefore, the appellant may be enlarged on bail by imposing suitable conditions. Making such submissions, learned counsel for the appellant prays to allow the appeal.

6. Per contra, learned High Court Government Pleader

vehemently submitted that there are serious allegations made against the appellant. The appellant had insulted, assaulted and harassed the complainant / respondent -5- No.2 in one or the other pretext. Moreover, the appellant is an influential person and there may be chances of threatening the witnesses and also hampering the Court proceedings. Therefore, it is not appropriate to grant bail. Making such submissions, learned High Court Government Pleader prays to reject the appeal.

7. Having heard the learned counsel for the respective

parties and also on perusal of the averments of the complaint, it appears from the record that the complainant married the appellant on 20.12.2024. She was residing along with him in a rented house at Bengaluru. There are certain allegations which she made against the appellant in addition to the demand of dowry of Rs.15,00,000/-.

8. In addition to the other facts and circumstances, the

complainant attempted to commit suicide due to the said harassment. Be that as it may, on reading of the entire material available on record, the appellant has made out a case to grant bail. Therefore, it is appropriate to allow this appeal. -6-

9. Hence, I proceed to pass the following:

ORDER

i) The Criminal Appeal is allowed.ii) The impugned order p

09.05.2025 is set aside. iii) The appellant is directed to be enlarged on bail in Crime

No.116/2025 of MICO Layout Police Station, registered for the offences punishable under Sections 3 and 4 of Dowry Prohibition Act 1961 and Sections 3(1)(r), 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) (Amendment Ordinance) 2014 and Sections 115(2), 3(5), 351(2), 351(3), 352, 85 of the Bharatiya Nyaya Sanhita 2023, subject to the following conditions: a) The appellant shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with one surety for the likesum, to the satisfaction of the jurisdictional Court. b) The appellant shall not threaten the prosecution witnesses. -7-

c) The appellant shall not hamper the Court proceedings. d) The appellant shall not leave the jurisdiction of the Court till disposal of the case. e) The appellant shall not involve in any other criminal cases or such similar cases in future till disposal of the present case. SD/- (S RACHAIAH) JUDGE HKV/Bss List No.: 3 Sl No.: 14

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