

U Dhanush, vs State of Karnataka

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Court : Karnataka

Decided On : Jul-02-2024

Judge : M G UMA

Appeal No. : CRL.P/5663/2024

Appellant : U Dhanush,

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF JULY, 2024 BEFORE THE HON'BLE MRS JUSTICE M G UMA CRIMINAL PETITION NO. 5663 OF 2024 (439) BETWEEN: U. DHANUSH, S/O LATE UTTAM SHEELAN, AGED ABOUT 32 YEARS, RESIDING AT NO.13/12, LOKESH BUILDING, 2nd FLOOR, 2nd STAGE, BEHIND CHANDRA BAR, HOSA ROAD, BANGALORE-560100. ALSO AT NO.331, 10th 'A' MAIN, MANJUNATHANAGARA, BANGALORE-10. (PETITIONER /ACCUSED IN IS JUDICIAL CUSTODY SINCE 20/02/2024) PETITIONER (BY SRI. D MANJUNATH., ADVOCATE) AND:

STATE OF KARNATAKA Digitally signed BY PARAPANAAGRAHARA P.S. by REKHA R Location: High REP. BY S.P.P., HIGH COURT OF KARNATAKA, Court of BENGALURU - 560001. Karnataka RESPONDENT (BY SRI. RAHUL RAI K., HCGP.)

THIS CRL.P IS FILED U/S 439 CR.PC PRAYING TO ENLARGE THE PETITIONER ON BAIL IN THE CR.NO.114/2024 REGISTERED IN PARAPPANA AGRAHARA POLICE STATION, BENGALURU CITY DISTRICT, FOR THE OFFENCE P/U/S 304B, 498A OF IPC AND SEC. 3 AND 4 OF D.P. ACT, PENDING ON THE FILE OF XLV ADDL. CITY CIVIL AND SESSIONS JUDGE, AT BANGALORE (CCH-46) (IN CR.NO.114/2024) (IN C.C.NO.11701/2024). -2-

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioner-sole accused is seeking grant of bail under Section 439 of Cr.P.C. in Crime No.114/2024 of Parappana Agrahara Police Station, pending in S.C.No.520/2024 on the file of the learned XLV Addl. City Civil & Sessions Judge, Bengaluru City, registered for the offences punishable under Sections 498A and 304B r/w Section 34 of Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act, 1961, (for short 'DP' Act) on the basis of the first information lodged by the informant viz., Vasudevan V.

2. Heard Sri. D Manjunath, learned counsel for the petitioner and Sri. Rahul Rai K, learned High Court Government Pleader for the respondent -State. Perused the materials on record. -3-

3. In view of the rival contentions urged by the

learned counsel for both the parties, the point that would arise for my consideration is: Whether the petitioner- accused is entitled for grant of bail under Section 439 of Cr.P.C.? My answer to the above point is in Affirmative for the

following: REASONS

4. The Petitioner being the sole accused is seeking grant of bail. He was apprehended on 20.02.2024 and since then, he is in judicial custody.

5. The father of the victim lodged the first

information making specific allegations against the petitioner. After investigation, the charge sheet is filed. It is stated that the marriage of the deceased with petitioner was performed on 22.04.2021. There was demand for dowry and ill-treatment to the deceased. On the date of -4- incident, the deceased could not able to withstand the harassmt given by the petitioner committed suicide by hanging in his house. No death note was left behind. As per the opinion of the doctor, the death of the deceased is due to asphyxia as a result of hanging. Since the charge sheet is already filed, it is not the contention of the prosecution that the petitioner is required for further investigation. Hence, his detention in custody would amount to infringement to his right to life and liberty.

6. In view of the above, the petitioner is entitled to be enlarged on bail subject to conditions, which will take care of the interest of prosecution.

7. Accordingly, I answer the above point in the affirmative and proceed to pass the following:

ORDER

The petition is allowed. The petitioner-accused is ordered to be enlarged on bail in Crime No.114/2024 of Parappana Agrahara Police -5- Station, pending in S.C.No.520/2024 on the file of the learned XLV Addl. City Civil & Sessions Judge, Bengaluru City on obtaining the bond in a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties for the likesum to the satisfaction of the jurisdictional Court, subject to the following conditions: a). The petitioner- accused shall not commit similar offences. b). The petitioner - accused shall not threaten or tamper with the prosecution witnesses. c). The petitioner - accused shall appear before the Court as and when required. If in case, the petitioner- accused violates any of the conditions as stated above, the prosecution will be at liberty to move the Trial

Court seeking cancellation of bail. On furnishing the sureties by the petitioner-accused, the Trial Court is at liberty to direct the Investigating Officer to verify the correctness of the -6- address and authenticity of the documents furnished by the petitioner-accused and the sureties and a report may be called for in that regard, which is to be submitted by the Investigating Officer within 5 days. The Trial Court on satisfaction, may proceed to accept the sureties for the purpose of releasing the petitioner-accused on bail. Sd/- JUDGE SSD List No.: 1 SI No.: 21

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