

Sri M.Devendra Vs. the State of Karnataka

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Court : Karnataka

Decided On : Nov-11-2010

Judge : N. Ananda J.

Acts : Indian Penal Code (IPC) - Sections 341. 323, 307 r/w. 34; Code of Criminal Procedure (CrPC) (Cr.P.C) - Section 438

Appeal No. : CRIMINAL PETITION NO.5263/2010

Appellant : Sri M.Devendra

Respondent : The State of Karnataka

Advocate for Def. : Sri Vijayakuraar Majage, HCGP

Advocate for Pet/Ap. : Sri B S.Hadimani., Adv.

Judgement :

ORDER

1. Heard learned Counsel for petitioner end learned Government Pleader for the State.

2. As per the averment of first information, the petitioner is the husband of first informant. They had a son. He died in the year 2000; Thereafter, wife of petitioner left the house of petitioner and she was staying in her parental house. The petitioner brought a woman and kept her in hie house. The first informant (wife of

petitioner) became mentally imbalanced. The petitioner and the said woman were harassing first informant on 5.10.2010, the said lady brought 10 to 15 persons, who were her close relatives and picked up a quarrel with first informant. On the same day at about 7.00 p.m., petitioner and said lady chased first informant and assaulted her and also tried to set fire by drowsing kerosene.

3. The learned Counsel for petitioner has produced certain photographs to show that petitioner, after the death of his son had taken one Latha as second wife with the consent of first informant. Therefore, averments of the complaint that petitioner had brought a lady against the wishes of first informant do not prima facie inspire confidence,

4. As per the medical records made available by the learned Government Advocate, first informant had not suffered any injuries, however, smell of kerosene was emanating from her body.

5. Considering the relationship between the parties and the nature of allegations made against petitioner and absence of injuries on first informant, the direction sought for m granted for a limited period to enable petitioner to seek regular bail.

6. In the result, I pass the following order: Petition is anticipatory bail, subject to following conditions:

1} If petitioner is arrested in Crime No, 180/2010 by Kempegowdanagara police for offences punishable under Sections 341, 323, 307 r/w. 34 of IPC He shall be released on bail on his executing a bond for a sum of Rs.25,000/- offering a surety for the like sum.

2} Petitioner shall not intimidate or tamper with the prosecution witnesses.

3} Petitioner, for the purpose of investigation, shall appear before the Investigating Officer, whenever called upon to do so,

4} This order would be operative for a period of two months from today within such time, petitioner shall seek regular bail before the jurisdictional Court. In such an event, the learned Judge of the jurisdictional Court shall consider bail application

without being influenced by observations made in this naps

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