
**Lakshmid devi & Others Vs State Of Karnataka By Tumakuru Town Circle,
Tumakuru - 572101 & Others**

Criminal Petition No. 3544, 3545 Of 2023

Court: Karnataka High Court At Bengaluru

Date of Decision: May 9, 2023

Acts Referred:

Code Of Criminal Procedure, 1973 " Section 438#Indian Penal Code, 1860 " Section 34,
304B, 498A#Dowry Prohibition Act, 1961 " Section 3, 4

Citation: (2023) 05 KAR CK 0016

Hon'ble Judges: T G Shivashankare Gowda, J

Bench: Single Bench

Advocate: Hasmath Pasha, Vinayaka V. S

Final Decision: Allowed

Judgement

T G Shivashankare Gowda, J

1. Both the petitions are filed under Section 438 of Cr.P.C seeking bail for the offences punishable under Sections 498A, 304B read with Section 34 of

IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961 in crime No.80/2023 of Tumakuru Town Police Station.

2. The petitioner in CrI.P.No.3544/2023 is accused No.2 and the petitioner in CrI.P.No.3545/2023 is accused No.3. Accused Nos.2 and 3 are mother

and sister of accused No.1.

3. Heard the arguments of Sri. Hashmath Pasha, learned senior counsel for the petitioners and learned HCGP for respondent/State and perused the

records.

4. It is the contention of the learned senior counsel that accused No.1 Manoj Kumar, who is the husband of deceased Meghana, has already been

arrested, interrogated and he is in judicial custody. The marriage of the deceased with accused No.1 took place in the year 2019, till the date of death

of the deceased Meghana, they did not beget a child, the deceased was provided with the medical treatment and even accused No.1 has undergone

medical examination. For the medical reasons, the deceased Meghana could not conceive and unfortunately incident had taken place on 21.03.2023.

There is no previous allegation of dowry harassment or any police complaints being filed. Accused No.3 is residing in her matrimonial home at

Bengaluru. She has no occasion to meddle with the marital life of accused No.1 and the deceased Meghana. The accused No.2 is aged 65 years and

she is suffering from severe ailments. She has taken care of the deceased Meghana very well and photographs explain it. For the reason that the

offences are serious in nature, learned J Addl. District and Sessions Judge, Tumakuru in CrI.Misc.No.387/2023 has declined to exercise discretion in

granting bail to the petitioners. The petitioners are ready to obey any conditions, appear before the investigating officer and assist for investigation. For

the reason of untimely death of the deceased Meghana, some allegations are made against these petitioners and if the investigation brings out any

material, they are ready to face the trial, and sought for grant of bail.

5. Learned HCGP has vehemently opposed the bail petitions on the ground that the petitioners being the mother and sister of accused No.1 have not

properly treated the deceased Meghana on the ground that she did not beget any children even after four years of marriage. There is dowry demand

and payment at the time of marriage. Dowry harassment has been given to the deceased Meghana. The deceased Meghana was put into such a

situation, even she was afraid to undergo menstrual cycle in anticipation of harassment in the hands of accused persons. For the reason of dowry

harassment, the deceased Meghana not begetting any child, she was put to fear of her life and forced her to commit suicide on 20.03.2023. The

custodial interrogation of these petitioners are required and discretion shall not be exercised in their favour.

6. I have given my anxious consideration to the arguments canvassed on behalf of the parties and also perused the order of the J Addl. District and

Sessions Judge, Tumakuru in CrI.Misc.No.387/2023 and the material placed on record.

7. There is no dispute as to the marriage of the deceased Meghana performed on 24.06.2019 with accused No.1 as per the customs prevailed in their

community. After the marriage, the deceased Meghana came to the matrimonial home consists of accused Nos.1 and 2/husband and mother-in-law.

Material on record also points out that daughter, who is arraigned as accused No.3, is married and residing in her matrimonial home at Bengaluru.

8. The allegations made in the FIR did not point out accused No.3 that she was played any role in demand or acceptance of dowry or her role in

causing any harassment to deceased Meghana. The deceased Meghana was undergoing menstrual cycle regularly which caused the apprehension

that she may not beget any children. She was under the apprehension that she may receive harassment in the hands of her husband and mother-in-

law. Even on the date of alleged incident, the deceased Meghana called her parents, informed about her menstrual periods and expressed her

apprehension and she has been advised and also pacified by her mother. This prima-facie points out that the deceased Meghana was under stress

and depression for not begetting the children even after four years after the marriage.

9. The allegations made in the complaint point out the demand and payment of dowry of Rs.25,00,000/-(Rupees Twenty five lakhs only) at the time of

marriage and also gold ornaments. Again a sum of Rs.20,00,000/-(Rupees Twenty lakhs only) was demanded and paid to accused No.1. The

allegation of harassment to the deceased in connection with the dowry did not come to the light earlier and no panchayath was convened advising the

accused persons about dowry demand and harassment. The only allegation is that the deceased Meghana since could not beget a child even after four

years of marriage, an allegation of demand of divorce was made by accused No.1. The totality of the allegation made in the prosecution papers did not

point out any allegation against accused No.3. As we noticed from the cause title, accused No.3 is residing at Bengaluru in her matrimonial home and

which is not been disputed by the prosecution. As discussed above, there is no prima-facie material which point out against accused No.3 that she

has committed any of the alleged offences. Hence accused No.3 has made out grounds for exercise of discretion for grant of bail.

10. As regards mother-in-law/accused No.2 is concerned, she is aged 64 years and she is a senior citizen. Material on record would point out that she

is also suffering from ailments. Keeping that apart, some photographs have been produced, which show the happier moments in the matrimonial home

of the deceased Meghana with accused persons. The role of accused No.2 in subjecting the deceased to cruelty or harassment in demand of dowry or

scolding the deceased for not begetting the child is a matter of investigation. The contention of the learned senior counsel is that the reason of the

deceased Meghana not begetting child made her to take a wrong step and there was no harassment or any discomfort in the matrimonial home could

be appreciated in the background of allegation. As seen from the records, the day deceased has committed suicide, she did not interact with her

mother-in-law. Contrary is the deceased called her parents to inform her menstrual periods and expressed concerns, which came to be pacified.

Nothing is found in the complaint that accused No.2 subjected the deceased Meghana to cruelty or scolded her that she has not beget any child. But

the complaint averments only point out the apprehension in the mind of the deceased Meghana as she undergone menstrual course, may attract ire of

mother-in-law. In prosecution of such apprehension, the suicide taken place. Hence, I do not find any prima-facie material against accused No.2 to

show that she has a direct role in the deceased to commit suicide or soon before the death of the deceased, mother-in-law has driven the deceased to

take such a fateful steps.

11. As seen from the records that both the petitioners have come forward to obey the conditions that may be imposed on them by this Court. Hence,

the apprehension of the prosecution could be met out by imposing proper conditions. In the facts and circumstances, I do not find any reason to refuse

exercise of the discretion in favour of both the petitioners. Hence, both the petitions are deserve to be allowed. In the result, the following:

ORDER

(i) Both the Criminal Petitions are allowed;

(ii) The petitioners are directed to be released on bail in the event of their arrest in Crime No.80/2023 registered by the Tumakuru Police Station, for

the offences punishable under Sections 498A, 304B read with Section 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961, on their

execution of personal bond for a sum of Rs.1,00,000/-(Rupees One lakhs only) each with one like bond to the satisfaction of the concerned

Investigating Officer;

(iii) The petitioners shall surrender themselves before the Investigating Officer within fifteen days from the date of receipt of a certified copy of this

order and assist for the investigation;

(iv) The petitioners shall not hold threats to the prosecution witnesses either directly or indirectly;

(v) The petitioners shall co-operate with the Investigating Officer to complete the investigation and they shall appear before the Investigating Officer,

as and when called for.