

(2024) 10 KAR CK 0009

Karnataka High Court, Kalaburagi Bench

Case No: Criminal Petition No. 201223 Of 2024

Dharmanayak S/O Sakranayak &
Others

APPELLANT

Vs

State Of Karnataka Through
Hunasagi Police Station

RESPONDENT

Date of Decision: Oct. 9, 2024

Acts Referred:

- Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 482
- Bharatiya Nyaya Sanhita, 2023 - Section 108, 115(2), 126(2), 189(2), 190, 351(3), 352

Hon'ble Judges: T G Shivashankare Gowda, J

Bench: Single Bench

Advocate: Ganesh Naik, Jamadar Shahabuddin

Final Decision: Allowed

Judgement

T G Shivashankare Gowda, J

01. This petition is filed by the petitioners / accused Nos.2 to 11 under Section 482 of BNSS seeking anticipatory bail in Crime No.100/2024, registered by the Hunasagi Police Station, Tq: Hunasagi Dist: Yadgiri, for the offences punishable under Sections 189(2), 115(2), 126(2), 108, 352, 351(3) and 190 of BNS-2023.

02. Heard the learned counsel for the petitioners and the learned High Court Government Pleader for the respondent - State.

03. It is argued by the learned counsel for the petitioners that the accused No.1 as well as the deceased "Ranjita" both were divorcees. They were fell in love and they were decided to marry with each other. The parents of the deceased were opposed for such marriage. The accused Nos.2 to 11

were residing separately from the accused No.1. They are nothing to do with the love affair between the accused No.1 and the deceased. Only for the reason that they are being the relatives, they have been incorporated in the FIR. Hence, prayed to allow the petition.

04. Per contra, the learned High Court Government Pleader submits that the petitioners have directly involved in abating the deceased to commit the suicide, on the issue of marriage between herself and the accused No.1. The petitioners are required for custodial interrogation. If the bail is granted, they would tamper the evidence and threaten the prosecution witnesses and he prayed for dismissal of the petition.

05. I have given my anxious consideration to the arguments of both sides and perused the material on record.

06. Undisputedly, the accused No.1 as well as the deceased "Ranjita were divorcees and they were fell in love. They are intended to get marriage with each other and intend to start a new marital life. At that juncture some differences are arose. Unfortunately, the deceased has been committed suicide. The material on record goes to show that the accused No.1 has been already arrested and remanded to the judicial custody. The petitioners are shown as accused Nos.2 to 11 in the FIR. They are relatives of the accused No.1 and they were residing separately from the accused No.1.

07. Learned counsel for the petitioners submitted that the deceased was committed suicide on account of opposition by her father and not by the petitioners, the petitioners have no objection for the marriage of accused No.1 and the deceased "Ranjita and to start their new marital life. Having regard to said submission, the petitioners are permanent residents of Bailapur Tanda Tq: Hunsagi Dist: Yadgir, they are ready available for investigation and the apprehension of the prosecution can be met by imposing certain conditions.

08. The material on record did not point out prima-facie case against these petitioners that soon before the incident they have abated the deceased to commit suicide. The petitioners have made out reasonable grounds to exercise the discretion, in the result, the following;

ORDER

The petition filed by the petitioners "accused Nos.2 to 11, is hereby allowed.

The respondent " police are directed to release the petitioners " accused Nos.2 to 11 on bail in the event of their arrest in Crime No.100/2024,

registered by the Hunasagi Police Station, Tq: Hunasagi Dist: Yadgiri, for the offences punishable under Sections 189(2), 115(2), 126(2), 108, 352,

351(3) and 190 of BNS-2023, subject to the following conditions:-

I. The petitioners shall execute personal bonds for a sum of Rs.50,000/- each with a surety each for the likesum to the satisfaction of the Investigating

Officer;

II. The petitioners shall surrender before the Investigating Officer within 10 days from the date of receipt of certified copy of this order;

III. The petitioners shall not directly or indirectly tamper with any of the prosecution witnesses.