

## **Siddamma Gowda, Janardhana and Veerabhadregowda @ Putta Gowda, 4 Viji @ Vijayalakshmi Vs State of Karnataka**

**Court:** Karnataka High Court

**Date of Decision:** Sept. 23, 2011

**Acts Referred:** Criminal Procedure Code, 1973 (CrPC) â€” Section 438  
Penal Code, 1860 (IPC) â€” Section 306, 34

**Hon'ble Judges:** H. Billappa, J

**Bench:** Single Bench

**Advocate:** C.N. Raju, for the Appellant; H.S. Chandramouli, SPP, for the Respondent

**Final Decision:** Allowed

### **Judgement**

@JUDGMENTTAG-ORDER

The Hon"ble Mr. Justice H. Billappa

1. The petitioners have filed this petition u/s 438 of Criminal Procedure Code praying for grant of anticipatory bail.

2. It is stated in the petition that the petitioners are innocent of the offence alleged against them and they have been falsely implicated in the case.

The petitioners hail from a respectable family and they are ready to furnish surety. Therefore, the petitioners have prayed for grant of anticipatory

bail.

3. It is alleged that the complainant married the deceased Manjula about 20 years back. About one month back, the deceased Manjula had told

the petitioner Nos.1 and 2 that they are spending the money lavishly. The petitioners started telling about the character of the deceased Manjula

with the relatives. On 21.08.2011 the petitioner Nos.1 to 3 went to the house of complainant's brother at about 2.00 p.m. and told the wife of the

complainant's brothers that Manjula has illicit relationship with Janardhan i.e., petitioner No.2. The complainant told his wife that they can lodge a

complaint. At about 1.45 p.m., on 21.08.2011, the complainant was informed by his son Prashanth that deceased Manjula has committed suicide.

Thereafter, complaint has been lodged and a case in Crime No.641/2011 of J.P. Nagar Police Station registered for the offence u/s 306 r/w

Section 34 of IPC.

4. The learned counsel for the petitioner contended that the petitioners are innocent of the offences alleged against them and they have not

committed any offence and the allegations do not constitute an offence punishable u/s 306 of IPC and therefore, the petitioners can be granted

anticipatory bail.

5. As against this, the learned SPP submitted that the matter is under investigation and the petitioners are required for investigation and allegations

have been made regarding the character of the deceased and therefore, the deceased has committed suicide and therefore, the petitioners cannot

be granted anticipatory bail.

6. I have carefully considered the submissions made by the learned counsel for the parties.

7. The point that arises for consideration is;

Whether the petitioners can be granted anticipatory bail?

8. It is relevant to note, the allegations are that the petitioners were telling about the character of the deceased Manjula with the relatives. On

21.08.2011, the petitioner Nos. 1 to 3 went to the house of the complainant's brother at about 2.00 p.m. and told the wife of the complainant's

brother that Manjula has illicit relationship with Janardhana i.e., the petitioner No.2. The complainant told his wife that they can lodge a complaint.

The deceased has committed suicide. The petitioners are permanent residents of Bangalore and available for investigation. Therefore, the

petitioners can be granted anticipatory bail subject to certain conditions.

9. Accordingly the petition is allowed and the petitioners are granted anticipatory bail subject to the following conditions:

i. In the event of their arrest in Crime No. 64-1/2011 of J.P. Nagar Police station, the petitioners shall be released on bail on their executing a

bond for a sum of Rs. 25,000/- each with one surety for the like sum to the satisfaction of the I.O.

ii. The petitioners shall appear before the I.O. within six days from today and shall cooperate with the I.O. for investigation as and when required.

iii. The petitioners shall not tamper with the witnesses.

iv. If the petitioners violate any condition, the respondent - State can move for cancellation of the bail.