



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 13643 OF 2024

BETWEEN:

AMITH VIKRAM RAJASIMHA,
S/O RAJASIMHA,
AGED ABOUT 35 YEARS,
NO. 993, 1ST MAIN, LAKSHMIPURAM,
MYSURU - 570 001.

...PETITIONER

(BY SRI. H.S. CHNADRAMOULI, SR. COUNSEL A/W
SRI. RAJATH, ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY THE POLICE BASAVANAGUDI WOMEN P.S.,
REPRESENTED BY THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.

...RESPONDENT

(BY SRI. VINAY MAHADEVAIAH, HCGP)

THIS CRL.P IS FILED U/S 438 OF CR.PC (FILED U/S 482 BNSS) PRAYING TO PASS AN ORDER AND GRANT AN ORDER OF ANTICIPATORY BAIL TO THE PETITIONER IN THE EVENT OF HIS ARREST IN CR.NO.155/2024 IN BASAVANAGUDI WOMEN POLICE REGISTERED FOR THE OFFENCE P/U/S 34, 498A, 504, 120B, 313, PENDING BEFORE THE LD. XXXVII ADDL. CMM COURT, NRUPATHUNGA ROAD, BENGALURU CITY.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

Digitally
signed by
PRAMILA G V
Location:
HIGH COURT
OF
KARNATAKA



CORAM: HON'BLE MR JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned Senior counsel appearing for the petitioner and the learned High Court Government Pleader appearing for the respondent - State.

2. This petition is filed under Section 482 of B.N.S.S to grant the petitioner the anticipatory bail in connection with a crime registered in Crime No.115/2024 for the alleged offences under Section 34, 498A, 313, 504 and 120B of Indian Penal Code, 1860.

3. The relationship is not in dispute. The petitioner is the husband of the complainant. The marriage was solemnized in the year 2019. The petition seeking anticipatory bail in Crl.Misc.No.9987/2024 on the file of Sessions Court, Bangalore is allowed in part, wherein the anticipatory bail is granted in favour of the parents of the petitioner who were petitioner Nos.2 and 3 before the



Sessions court. The petition filed by the present petitioner is rejected in terms of the order dated 02.12.2024.

4. The learned Senior counsel appearing for the petitioner would contend that the complaint is filed on 12.11.2024 in respect of the incident alleged to have taken place between 29.05.2019 and 30.09.2023. The complainant has stated that she was forced to treat her husband when he was suffering from Covid-19 infection. In the complaint it is alleged that parents of the petitioner also forced the complainant to treat the petitioner who was infected with Covid-19 despite the fact that the petitioner was carrying. It is further stated in the process, the complainant was also infected with Covid-19 and thereafter, she suffered abortion.

5. The learned Senior counsel would contend that the whatsapp message sent by the complainant to the husband itself would indicate that she has voluntarily subjected herself for abortion as there was a health risk given the fact that the complainant herself was suffering



from Covid-19 infection. It is his further contention that the delay in lodging the complaint itself would indicate that no such offence as alleged is committed.

6. The learned High Court Government Pleader for the respondent - State would oppose the petition on the premise that the case registered against the petitioner would require custodial interrogation, as such, in case the bail petition is allowed and bail is granted, there is every likelihood that the petitioner would hamper the investigation and destroy the evidence.

7. This court has considered the contentions raised at the bar and perused the records.

8. There is no dispute that the petitioner and the complainant were married in the year 2019. It is further not in dispute from March 2020, the pandemic affected the country. It is also forthcoming from the complaint that the petitioner himself was suffering from Covid-19. If the wife has also been infected with Covid-19 pandemic, it cannot be straightaway concluded that this is because of the act



of the petitioner or parents of the petitioner. It is also forthcoming from the whatsapp message sent by complainant that complainant herself volunteered to undergo abortion. Learned High Court Government Pleader does not dispute the fact that the parents of the complainant are the Doctors. It is also relevant to note that the petition filed by the parents of the petitioner is allowed subject to certain conditions.

9. After going through the contents of the petition and also considering the fact that there is un-explained delay of 2 years in lodging the complaint. Considering the nature of the allegation, this court is of the view that the custodial interrogation is not required and the petitioner is entitled to Anticipatory Bail. Hence, the following:

O R D E R

- (i) The petition is ***allowed***.
- (ii) The respondent - State / Police officer shall release the petitioner on bail on petitioner furnishing bail bond for a sum of



Rs.50,000/- (Rupees Fifty Thousand Only)
along with surety for the likesum, in the
event of his arrest.

- (iii) The bail bond shall be offered before the jurisdictional police within 15 days from today.
- (iv) The petitioner shall appear before the police as and when required and shall cooperate in the investigation.
- (v) The petitioner shall not destroy any evidence and shall not interfere in the process of investigation.
- (vi) It is also made clear that observations made in order shall not influence the investigation / trial.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

SS
List No.: 1 Sl No.: 96
CT: BHK