IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF DECEMBER, 2020

BEFORE

THE HON'BLE MR. JUSTICE SREENIVAS HARISH KUMAR

CRIMINAL PETITION NO. 5604 OF 2020

BETWEEN:

Shri. Chandre Gowda,
Aged about 40 years,
Son of Thote Gowda,
Residing at No.02,
G-Block, Adugodi Police Quarters,
Adugodi, Bengaluru-560030.

…Petitioner

(By Sri. S.G.Anand, Advocate)

AND:

State by Adugodi Police Station,
Represented by Government Pleader
High Court of Karnataka
Bengaluru-560001.

... Respondent

(By Sri. K.S.Abhijith, HCGP)

This Criminal Petition is filed under Section 438 of Cr.P.C. praying to enlarge the petitioner on bail in the event of his arrest in CR.No.98/2020 of Adugodi Police Station, Bengaluru City, for the offence punishable under Sections 498-A and 306 of IPC.

This Criminal Petition coming on for orders, this day, the Court made the following:

ORDER

The petitioner has sought anticipatory bail under Section 438 of Cr.P.C. The respondent police have registered an FIR against him in Cr.No.98/2020 for the offences punishable under Sections 498-A and 306 of IPC.

2. Heard both sides.

3. The name of the deceased is Aruna. She committed suicide on 24.7.2020 by hanging. She left the death note mentioning the reason that her husband was responsible for her committing suicide. First information was given by the mother of the deceased stating that the petitioner married her daughter on 8.11.2013 and in the wedlock her daughter gave birth to a female child. Her daughter came to know that the petitioner was having illicit relationship with a woman by name Anitha, when she objected to the same there used to take place quarrels between them. It is stated

that being disgusted with her husband's conduct her daughter committed suicide.

4. The argument of the petitioner's counsel is that the deceased was actually second wife of the petitioner, his first wife is Anitha. He refers to certain letters written by the deceased Aruna, Anitha and the petitioner to argue that the deceased was not the first wife and that the petitioner married her having taken consent of the first wife viz., Anitha. Perusal of these letters would indicate that the petitioner contracted the second marriage with the deceased. Anitha appears to have given consent for the petitioner marrying the deceased Aruna. In the light of these circumstances, it is doubtful that there was instigation by the petitioner to drive the deceased to commit suicide. Merely because the deceased mentioned the name of the petitioner in the death note, that itself cannot be considered as evidence at this stage to hold that the petitioner is responsible for the suicide. The petitioner's presence can be

secured for the purpose of investigation and therefore the following :

ORDER

i. *Petition is allowed.*

ii. *In the event of petitioner being arrested by the respondent/police, in connection with Cr.No.98/2020 of Adugodi Police Station, he shall be released on bail, on obtaining from him a bond for Rs.1,00,000/- (Rupees One Lakh only) and two sureties for the likesum to the satisfaction of the Investigating Officer.*

iii. *He shall appear before the Police Station as and when his presence is required for investigation.*

iv. *He shall not threaten the witnesses and destroy the evidence in whatsoever manner.*

v. *He shall not leave the jurisdiction of the trial court till investigation is completed.*

Sd/-
JUDGE

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