NC: 2025:KHC-K:220
CRL.P No. 200005 of 2025

IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 16TH DAY OF JANUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

CRIMINAL PETITION NO.200005 OF 2025

[439(Cr.PC)/483(BNSS)]

BETWEEN:

AVADHOOT S/O CHIDANAND BANDARWAD,
AGE: 35 YEARS, OCC: AGRICULTURE,
R/O. ITAGA VILLAGE, TQ. JEWARGI,
DIST. KALABURAGI-585310.

...PETITIONER

(BY SRI RAJESH DODDAMANI, ADVOCATE)

AND:

Digitally signed by SHILPA R TENIHALLI
Location: HIGH COURT OF KARNATAKA

THE STATE OF KARNATAKA
NELOGI POLICE STATION,
KALABURAGI DISTRICT
NOW REPRESENTED BY THE
ADDITIONAL STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
KALABURAGI BENCH-585105.

...RESPONDENT

(BY SRI VEERANAGOUDA MALIPATIL, HCGP)

THIS CRL.P. IS FILED U/S. 439 OF CR.P.C (OLD), 483 OF BNSS (NEW), PRAYING TO ALLOW THIS PETITION AND ENLARGE THE PETITIONER/ A-1 ON BAIL IN CONNECTION WITH CRIME NO.33/2020 BY NELOGI POLICE STATION REGISTERED FOR THE OFFENCES UNDER SECTION 498-A, 304(B) R/W 34 OF INDIAN PENAL CODE 1860 AND U/S 3 AND

4 OF DOWRY PROHIBITION ACT NOW PENDING ON THE FILE THE HON'BLE III ADDITIONAL DISTRICT AND SESSIONS JUDGE AT KALABURAGI IN S C NO.278/2024 CRIME NO.33/2020 OF NELOGI POLICE STATION REGISTERED FOR THE OFFENCES UNDER SECTION 304-B, 498-A, R/W OF INDIAN PENAL CODE.

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

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

ORAL ORDER

(PER: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY)

Accused No.1 in S.C.No.278/2024 pending before the Court of III Additional District and Sessions Judge, Kalaburagi, arising out of Crime No.33/2020, registered by Nelogi Police Station, Kalaburagi, for offences punishable under Section 304-B and 498-A read with Section 34 of IPC and under Sections 3 and 4 of Dowry Prohibition Act, 1961, is before this Court under Section 483 of BNSS, 2023, seeking regular bail.

2. Heard learned counsel for the parties.

3. FIR in Crime No.33/2020 was registered by Nelogi Police Station, Kalaburagi for the aforesaid offences

against the petitioner and two others on the basis of the first information dated 26.02.2020 received from Bhimashankar, the brother of deceased Bhagyavanthi. In the said case, petitioner was arrested on 26.07.2024. The bail application filed by him before the jurisdictional Sessions Court in Crl.Misc.No.2049/2024 was rejected on 18.12.2024. Therefore, he is before this Court.

4. Learned counsel for the petitioner having reiterated the grounds urged in the petition submits that the petitioner, who is the husband of the deceased had also suffered 40% burn injuries when he made attempt to rescue his wife. The petitioner, who has no other criminal antecedents, is in custody for the last more than five months. Accused No.2 has been granted anticipatory bail and accused No.3 has been granted regular bail in the present case. Accordingly, he prays to allow the petition.

5. Per contra, learned High Court Government Pleader has opposed the petition. He submits that petitioner was absconding for a period of more than four

years in the present case. In the event he is enlarged on bail, it would be difficult to secure his presence. Accordingly, he prays to dismiss the petition.

6. Perusal of the material available on record would go to show that marriage of the deceased with the petitioner was performed about two and half years prior to the date of registration of FIR. In the first information, it is alleged that on 25.02.2020 at about 7.00 p.m., the first informant was informed over phone that his sister Bhagyavanthi had suffered burn injuries in her matrimonial house. Immediately, the first informant along with his relatives went to the matrimonial house of his sister and found that his sister had suffered serious burn injuries. Thereafter, they had shifted Bhagyavanthi and the petitioner herein, who also had suffered burn injuries, in an ambulance to a hospital and admitted them. Subsequently, at about 11.05 p.m. on 25.02.2020, Bhagyavanthi had died in the hospital while undergoing treatment. On the same day, the petitioner allegedly had

escaped from the hospital. On the basis of the first information received from Bhimashankar, who is the brother of the deceased, FIR has been registered against the petitioner, his mother and younger brother. After the investigation, charge sheet has been filed against three persons for the aforesaid offences. Accused No.3 was granted regular bail by this Court in Criminal Petition No.201128/2020 disposed of on 05.01.2021 and accused No.2 has been granted anticipatory bail by the jurisdictional Sessions Court in Crl.Misc.No.1504//2024.

7. The allegations in the FIR and in the charge sheet as against accused Nos.1 to 3 are similar. The material on record would go to show that petitioner had also suffered burn injuries. According to the prosecution, since the deceased was being ill-treated in her matrimonial house by accused Nos.1 to 3, she allegedly poured kerosene on herself at about 6.30 p.m. on 25.02.2020 and had committed suicide. The fact that petitioner has also suffered burn injuries would go to show that he had made

attempts to rescue the deceased. Undisputedly, the petitioner has no criminal antecedents and is in custody for the last more than five months. The trial in the case is yet to be commenced.

8. Under the circumstances, I am of the opinion that the prayer made by the petitioner for grant regular bail needs to be answered affirmatively. Accordingly, following:

ORDER

The petition is allowed.

The petitioner is directed to be enlarged on bail in Crime No.33/2020 of Nelogi Police Station, Kalaburagi, registered for the offences punishable under Sections 304-B and 498-A read with Section 34 of IPC and under Sections 3 and 4 of Dowry Prohibition Act, 1961, pending on the file of learned III Additional District and Sessions Judge, Kalaburagi in S.C.No.278/2024, subject to the following conditions:

a) Petitioner shall execute personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum, to the satisfaction of the jurisdictional Court;

b) Petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;

c) Petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) Petitioner shall not involve in similar offences in future;

e) Petitioner shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

SRT
List No.: 1 Sl No.: 19
CT:PK