



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JULY, 2024

BEFORE

THE HON'BLE MRS JUSTICE M G UMA

CRIMINAL PETITION NO. 6091 OF 2024

C/W

CRIMINAL PETITION NO. 5099 OF 2024

IN CRL.P. 6091/2024

BETWEEN:

1. DHANANJE GOWDA
S/O LATE AMASEGOWDA,
AGED ABOUT 56 YEARS,
R/AT DEVARAMAVINAKERE VILLAGE,
KADABANAHALLI, BELLURU HOBLI,
NAGAMANGALA TALUK,
MANDYA DISTRICT - 572 418.

2. A L SATHYA
S/O LATE LAKKEGOWDA,
AGED ABOUT 59 YEARS,
R/AT BOMBE VATARA,
RAMESHWARA LAYOUT,
CHANNARAYAPATNA ,
HASSAN - 573 105.

...PETITIONERS

(BY SRI. KUMARA K.G., ADVOCATE)

AND:

STATE OF KARNATAKA
BY UDAYAGIRI POLICE STATION,
MYSURU - 570 015.
(REPRESENTED BY STATE PUBLIC
PROSECUTOR, HIGH COURT BUILDING,
BENGALURU - 560 001)

...RESPONDENT

(BY SMT. K.P. YASHODHA, HCGP)





NC: 2024:KHC:27593
CRL.P No. 6091 of 2024
C/W CRL.P No. 5099 of 2024

THIS CRL.P IS FILED U/S.438 CR.P.C PRAYING TO GRANT ANTICIPATORY BAIL IN THE EVENT OF THEIR ARREST IN CR.NO.65/2024 OF UDAYAGIRI POLICE STATION, WHICH IS PENDING ON THE FILE OF II ADDL. CIVIL JUDGE (JR.DN.) AND J.M.F.C., JLB ROAD, MYSURU FOR THE OFFENCE P/U/S 312, 314, 315, 316 OF IPC AND SEC. 4 OF THE MEDICAL TERMINATION OF PREGNANCY ACT WITH A DIRECTION TO RELEASE HIM ON ANTICIPATORY BAIL IN THE EVENT OF ARREST IN THE ABOVE CRIME.

IN CRL.P. 5099/2024

BETWEEN:

PUTTARAJU
S/O LATE SIDDAMALLAIAH
AGED ABOUT 29 YEARS,
R/AT DOOR NO.113,
NADANAHALLI VILLAGE,
ALANAHALLI POST,
KASABA HOBLI,
MYSURU TALUK,
MYSURU DISTRICT - 570 028.

...PETITIONER

(BY SRI. KUMARA K.G., ADVOCATE)

AND:

STATE OF KARNATAKA
BY UDAYAGIRI POLICE STATION,
MYSURU - 570 015.
(REPRESENTED BY STATE PUBLIC
PROSECUTOR, HIGH COURT BUILDING,
BENGALURU - 560 001)

...RESPONDENT

(BY SMT. K.P. YASHODHA, HCGP)

THIS CRL.P IS FILED U/S.438 CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF HIS ARREST IN THE CR.NO.65/2024 REGISTERED UDAYAGIRI POLICE STATION, MYSURU



CITY DISTRICT FOR THE OFFENCE P/U/S 312, 314, 315, 316 OF IPC AND SEC. 4 OF THE MEDICAL TERMINATION OF PREGNANCY ACT, 1971, PENDING ON THE FILE OF 2ND ADDL. CIVIL JUDGE (JR.DN.) AND JMFC COURT, JLB COURT, MYSURU CITY.

THESE CRIMINAL PETITIONS, COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioners - accused Nos. 6, 7 and 9 are before this Court seeking grant of anticipatory bail in Crime No. 65/2024 of Udayagiri Police Station, pending on the file of the learned 2nd Additional Civil Judge (Jr.Dn) & JMFC Court, JLB Road, Mysore, registered for the offences punishable under Sections 312, 314, 315, 316 of Indian Penal Code (for short 'IPC') and Section 4 of the Medical Termination of Pregnancy Act, 1971, on the basis of the first information lodged by the informant - Dr. Gopinath S.

2. Heard Sri. Kumara K.G, learned counsel for the petitioners and Smt. K.P.Yashodha, learned High Court Government Pleader for the respondent-State. Perused the materials on record.

3. In view of the rival contentions urged by the learned counsel for both the parties, the point that would arise for my consideration is:



"Whether the petitioners are entitled for grant of bail under Section 438 of Cr.P.C.?"

My answer to the above point is in 'Negative' for the following:

REASONS

4. The petitioners in Crl.P.No.6091/2024 being accused Nos. 7 and 9 and the petitioner in Crl.P.No.5099/2024 being accused No.6 are seeking grant of anticipatory bail on the apprehension of being arrested. The District Health and Welfare Officer lodged the first information against accused Nos. 1 to 17 for the above said offenses, alleging that the accused in collusion with one another, with an intention to earn money induced the pregnant ladies to undergo scanning and to abort the female fetus at various centers, unauthorisedly and use to collect the amount by way of commission. It is stated that these petitioners were arrayed as accused Nos. 6, 7 and 9, who were the middle men identifying the pregnant ladies, used to induce them to undergo MTP illegally. The allegations are very serious in nature. The names of the petitioners have specifically



mentioned by the informant in the first information. The first information came to be registered on 24.04.2024, till date, these petitioners have not appeared before the Investigating Officer. It is pertinent to note that such instances are very rampant in various parts of the State, especially in Mysuru and Mandya. Considering the nature of the offence and allegations, I am of the opinion that the petitioners are not entitled for grant of anticipatory bail. The petitioners are required for custodial interrogation.

5. Accordingly, I answer the above point in the negative and proceed to pass the following:

ORDER

The petition is ***dismissed.***

**Sd/-
JUDGE**