

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF SEPTEMBER, 2022

BEFORE

THE HON'BLE MR. JUSTICE K.NATARAJAN

CRIMINAL PETITION NO.8209 OF 2022

BETWEEN

SMT. SWATHI

... PETITIONER

(BY SRI A DERICK ANIL, ADVOCATE
FOR SRI GANGADHAR, ADVOCATE)

AND

THE STATE OF KARNATAKA
BY NANDINI LAYOUT
POLICE STATION
REPRESENTED BY
THE SPECIAL PUBLIC PROSECUTOR
HIGH COURT COMPLEX
BANGALORE-560009

...RESPONDENT

(BY SRI KRISHNA KUMAR K.K., HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF THE CODE OF CRIMINAL PROCEDURE, PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.59/2022 REGISTERED BY NANDINI LAYOUT POLICE STATION, BENGALURU FOR THE OFFENCE P/U/S 326A, 448 R/W 34 OF IPC PENDING ON THE FILE OF LXXI ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU IN S.C.NO.1160/2022.

THIS CRIMINAL PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 14.09.2022 THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

This petition is filed by the petitioner-accused No.3 under Section 439 of Cr.P.C., for granting regular bail in Crime No.59/2022 registered by Nandini Layout Police Station, Bengaluru for the offences punishable under Sections 326-A, 448 read with Section 34 of IPC.

2. Heard the arguments of learned counsel for the petitioner and learned High Court Government Pleader for the respondent-State.

3. The case of the prosecution is that the complainant-Devi C.M., gave her statement before the Police when she was taking treatment in the Victoria Hospital on 18.03.2022 alleging that she worked as a B.M.T.C. conductor and after giving voluntary retirement to the service, she is working as a Drama Artist. She came in contact with accused No.1 and due to her relationship with accused No.1, the wife of accused No.1 said to be left

him. Therefore, accused No.1 is having enmity with the victim. Subsequently, accused No.3-the present petitioner who is also a drama artist and a competitor, wants to destroy the face of the victim to disfigure her, thereby, she will get chances in the drama. For the same, she contacted accused No.2 and later, accused Nos.1 to 3 colluded together and decided to throw acid on the face of the victim, thereby, her face would become ugly and she will lose the chance as drama artist. Therefore, accused No.2 assured to pay Rs.10,000/- to accused No.1 but accused No.1 did not agree to throw acid. Later, accused No.2 along with accused No.1 went in a car and stopped the car little away from the house of victim on 18.03.2022 at 4.30 a.m. and accused No.1 went to the house of the victim and when she was sleeping in the hall, he thrown the cleaning acid on the face and the back of the victim and ran away. After verifying the CCTV footage, accused Nos.1 to 3 were arrested and they are in custody. The bail petition of accused No.3 is rejected. Hence, she is before this Court.

4. Having heard the arguments and on perusal of the records, which reveals that there was enmity between accused No.1, victim and accused No.3, therefore, accused Nos.1 to 3 colluded together and at the instance of this petitioner, accused Nos.1 and 2 purchased the cleaning acid and accused No.1 has poured the acid on the face of the victim when she was sleeping in the house at about 4.30 a.m. The photograph and medical certificate shows 14% superficial burn injuries on the face as well as on the back of the victim and she has already discharged from the hospital. This petitioner is a woman and co-drama artist was arrested and is in custody from 20.03.2022. The investigation is completed and charge-sheet has been filed. The alleged offence is punishable with not less than 10 years and extended to life and triable by the Court of Sessions. It is an unfortunate incident that a woman taking revenge against another woman by throwing acid through accused Nos.1 and 2 to disfigure the victim lady in respect of the competition in the drama field. However, by looking to the superficial injury of 14% sustained by the victim,

this petitioner is also a woman, a co-drama artist and in custody for almost more than five months. Considering the facts and circumstances of the case, the co-accused are already arrested and they are in jail, therefore, by imposing certain stringent conditions, if bail is granted to the petitioner, no prejudice would be caused to the case of the prosecution.

5. Accordingly, criminal petition is **allowed**.

The Committal Court is directed to release the petitioner-accused No.3 on bail in Crime No.59/2022 registered by Nandini Layout Police Station for the offences punishable under Sections 326A, 448 read with Section 34 of IPC, subject to the following conditions:

- (i) *Petitioner-accused No.3 shall execute a personal bond for a sum of Rs.5,00,000/- (Rupees Five Lakh only) with two sureties for the likesum to the satisfaction of the trial Court/Committal Court;*

- (ii) Petitioner shall not indulge in similar offences strictly;*
- (iii) Petitioner shall not tamper with the prosecution witnesses directly/indirectly;*
- (iv) Petitioner shall take trial without causing any delay.*
- (v) Petitioner shall not leave the jurisdiction without prior permission of the Court.*

If any of the above conditions are violated, the prosecution is at liberty to seek cancellation of this bail order.

**Sd/-
JUDGE**