



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF JUNE, 2023

BEFORE

THE HON'BLE MR JUSTICE MOHAMMAD NAWAZ

CRIMINAL PETITION NO. 1698 OF 2023

BETWEEN:

DILLI RANI,
W/O R. SHANKARA REDDY,
AGED ABOUT 24 YEARS,
R/AT. LINGESH GUNTA STREET,
CHINTHALAPATTEDA VILLAGE,
NAGARI MANDALAM,
CHITTUR DISTRICT,
ANDHRA PRADESH.

...PETITIONER

(BY SRI. GOPAL, ADVOCATE)

AND:

STATE OF KARNATAKA BY
SHO, YESHWANTHAPURA PS,
BENGALURU CITY,
REPRESENTED BY GOVT.PLEADER,
HIGH COURT BUILDINGS,
BENGALURU-560 001.

...RESPONDENT

(BY SRI. R.D.RENUKARADHYA, HCGP)

THIS CRL.P IS FILED UNDER SECTION 439 OF CR.P.C
PRAYING TO ENLARGE THE PETITIONER ON BAIL IN
CR.NO.134/2022 (C.C.NO.24430/2022) REGISTERED BY
YESHWANTHPURA POLICE STATION, BENGALURU FOR THE
OFFENCE P/U/S 302, 120B, 118 R/W 34 OF IPC PENDING ON
THE FILE OF ADDITIONAL CITY CIVIL AND SESSIONS JUDGE,
(CCH-63), BENGALURU.THE LXII ADDITIONAL CITY CIVIL AND
SESSIONS JUDGE, (CCH-63),BENGALURU AND ETC.,





THIS PETITION, COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

This petition is filed under Section 439 of Cr.P.C., by accused No.1, praying to enlarge her on bail in Crime No.134/2022 of Yeshwanthapura Police Station.

2. Heard the learned counsel for petitioner and the learned High Court Government Pleader for respondent-State and perused the material on record.

3. Charge sheet is filed against accused Nos.1 and 2 for offence punishable under Section 120(B), 118, 302 read with 34 of IPC.

4. Case of the prosecution in brief is that, petitioner/accused No.1 is the wife of deceased-R.Shankarareddy. There was an illicit relationship between petitioner and accused No.2. The deceased was working in Bengaluru. Petitioner was staying in Andhra Pradesh along with her two minor children. Since the deceased decided to bring his wife and children to Bengaluru for the purpose of children's education,



petitioner and accused No.2 conspired with each other to commit his murder, so that they could continue their illicit relationship. On 24.02.2022 petitioner along with her children came to Bengaluru and stayed with her husband in a rented house situated at Mohan Kumar Nagar, 1st 'C' Cross, Yeshwanthpura. As per the conspiracy hatched and at the instigation of accused No.2, at about 11.30 pm, when the deceased was sleeping in the house, petitioner herein stabbed him with a knife on his neck and committed his murder. Then with the same knife, she caused injuries to her hand and removed her Mangalya chain, ear stud etc., and concealed it, to make it appear as if it is a case of robbery and murder.

5. On the basis of the complaint lodged by the land owner of the house, initially case was registered against unknown persons for the offence punishable under Section 302 of IPC. In the course of investigation, petitioner/accused No.1 and accused No.2 were arrested and their voluntary statement was recorded.



6. It is contended by the learned counsel for petitioner that the entire allegations are false. He has contended that the petitioner has also sustained injuries in the incident and therefore, she is innocent and some other accused might have committed the offence. He has contended that the petitioner is a woman and she is languishing in judicial custody since 24.09.2022 and accused No.2 is already enlarged on bail and therefore, seeks to allow the petition and to grant bail to the petitioner.

7. The learned High Court Government Pleader on the other hand has opposed the prayer seeking bail and sought to reject the petition contending that there are sufficient material collected against the petitioner herein proving her role in the crime. He has contended that the prime witness is the son of petitioner and therefore, in the event of grant of bail to the petitioner, she may tutor him and thereby hamper the case of prosecution.



8. The deceased was found murdered in the house where he was residing with this petitioner and two minor children. It is contended by the learned counsel for petitioner that even the petitioner has sustained injuries, and therefore, she is innocent. According to the prosecution, there was an illicit relationship between the petitioner and accused No.2. Since the deceased was an obstacle to the said relationship, both the accused conspired with each other to commit his murder and when he was sleeping, petitioner herein stabbed him and committed his murder and then caused injuries to herself with the same knife to mislead the investigation.

9. The prosecution has recorded the statements of C.Ws.10, 11 and 13 who speaks about the illicit relationship and motive for the offence. Further Mangalya chain and ear stud belonging to the petitioner which was concealed by her, have been recovered. Her blood stained nightie is also recovered. More importantly, the statement of C.W.2, namely the minor son of the petitioner and the



deceased, would reveal that there was a quarrel between the deceased and this petitioner in the night and when he woke up, he saw his father lying dead with stab injuries. At this stage, there is a *prima facie* case against the petitioner. The offence alleged is grave in nature. Merely because the petitioner is a woman is not a ground to enlarge her on bail. Insofar as accused No.2 is concerned, who has been granted bail by this Court in Crl.P.No.7503/2022, the allegations are that he conspired with the petitioner. Hence, grant of bail to the said accused will not enure to the benefit of the petitioner. Considering the nature and gravity of the offence, this is not a fit case to enlarge the petitioner on bail. Hence, petition is ***dismissed***.

**Sd/-
JUDGE**

GPG
CT:SNN