IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 10TH DAY OF NOVEMBER, 2023

BEFORE

THE HON'BLE MR JUSTICE K NATARAJAN

CRIMINAL PETITION NO.201243 OF 2023 (439)

BETWEEN:

PARASHURAM S/O SIDDAPPA CHORAGASTI,
AGE: 43 YEARS, OCC: AGRICULTURE,
RESIDENT OF BYAKOD,
TALUK: SINDAGI,
DISTRICT: VIJAYAPURA-586101.

...PETITIONER

(BY SRI. SANJAY A. PATIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   THROUGH POLICE, SINDAGI,
   POLICE STATION,
   TALUK: SINDAGI,
   DISTRICT: VIJAYAPURA-586101
   REPRESENTED BY ADDL. SPP,
   HIGH COURT OF KARNATAKA,
   KALABURAGI BENCH-585 107.

2. SMT. SIDDAMMA W/O SRIMANTH NADUVENAMANI
   AGE: 58 YEARS, OCC: AGRICULTURE,
   R/O AASANGEHAL VILLAGE, TQ: ALMEL
   DIST: VIJAYAPUR-586101.

...RESPONDENTS

(BY SMT. ANITA M. REDDY, HCGP FOR R1)

Digitally signed by B NAGAVENI
Location: High Court Of Karnataka

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF CR.P.C., PRAYING TO ALLOW THE PETITION, THEREBY ENLARGE THE PETITIONER IN S.C.NO.57/2023 ON THE FILE OF IV ADDITIONAL DISTRICT AND SESSIONS JUDGE, VIJAYAPURA, DISTRICT: VIJAYAPUR, TO BE TRIED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 302, 504, AND 506, OF IPC AS PER CHARGE SHEET (ARISING OUT OF CRIME NO.194/2022 REGISTERED BY SINDAGI POLICE STATION, DISTRICT VIJAYAPUR).

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

ORDER

This petition is filed by the petitioner - accused under Section 439 of Cr.P.C. for granting bail in S.C.No.57/2023, pending on the file of IV Additional District and Sessions Judge, Vijayapura, for the offences punishable under Sections 302, 504 and 506 of IPC, as per charges-sheet (arising out of Crime No.194/2022 registered by Sindagi Police Station, Dist: Vijayapura).

02. Heard the learned counsel for the petitioner and the learned High Court Government Pleader for the respondent - State.

03. The case of the prosecution is that on the complaint of Sarawsati the daughter of the petitioner filed on 05.09.2022 the police have registered the FIR. The complainant has alleged that the petitioner is her father where the deceased is her mother. The deceased her father being always used to quarrel with her mother by suspecting her fidelity and drinking alcohol and used to abuse her regularly. On that background on 04.09.2022 at about 07.00 p.m. when the mother was slept on the cot in front of the shed, the complaint was inside the shed and she heard some noise, when she came out, she saw that the petitioner being her father is abusing her mother in filthy language and picked up an agricultural equipment / KUDA and assaulted for 2 to 3 times on the face of the deceased and caused injuries. In spite of her request, he has not left out and committed the murder and then under

she has shocked. Thereafter, at about 08.00 p.m. her uncle and others were came and she has informed to them about the incident. Accordingly, the complaint came to be lodged. The petitioner was arrested on 05.09.2022 and he was in judicial custody. His bail petition was came to be rejected. Hence, he is before this Court.

04. The learned counsel for the petitioner has contended that the incident was took place within a spur of movement, due to a fit of angry.

05. On the other hand the learned High Court Government Pleader objected the petition mainly on the ground that the eyewitness is the daughter of petitioner and who is also the complainant, if the petitioner is released on bail, he may tamper the witness and also cause delay.

06. Upon hearing the arguments and on perusal of the records it shows that the death is homicidal death, which is not in dispute. The postmortem examination

report reveals that there is multiple chop injuries on the face, extending from upper lip to the lower lip and exposing the underlying mussels, vessels, nerves and underlying bone over lower half of face measuring 8 x 2 cms. and 4 x 0.5 cms. and death was due to multiple chop injuries sustained by the deceased.

07. Admittedly, the relationship between the deceased and the petitioner is the wife and husband and the complainant is a daughter, who is sole eyewitnesses to the incident. She has intimated the incident to her uncles and others and they went to the police and lodged the complaint. Of course the investigation is completed and the charge-sheet has been filed.

08. Considering the facts and circumstances of the case, the petitioner is in judicial custody for more than a year and the charge-sheet has been also filed, but there is a prima-facie material placed on record for having committed the murder of his own wife, by suspecting her fidelity and continuously harassing her. It cannot be said

at this stage that due to spur of moment, the incident has taken place. Even though, there is a prima-facie material, it cannot be a ground for rejecting the bail petition, but the complainant who is the sole eyewitnesses to the incident and she is aged about 16 years, if bail is granted, there is every possibility of tampering the witness and also threatening the witness and influenced the witness, is not ruled out. Hence, I am of the view that the petitioner is not entitled for bail. Accordingly, I proceed to pass the following;

O R D E R

The petition is dismissed.

However, the liberty is granted that after examination of the eyewitnesses and any other material is placed non record, the petitioner can approach the Trial Court for bail.

Sd/-
JUDGE

KJJ
CT:SI
List No.: 1 Sl No.: 5