NC: 2023:KHC:30859
CRL.P No. 7086 of 2023

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 29TH DAY OF AUGUST, 2023**

**BEFORE**

**THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY**

**CRIMINAL PETITION NO. 7086 OF 2023**

**BETWEEN:**

1. SRI. NARAYANA C
S/O CHIKKAVENKATAPPA,
AGED ABOUT 46 YEARS,
R/AT NO. E508,
VADDARAPALYA-KAMMASANDRA PALYA,
ELECTRONIC CITY, ANEKAL TALUK,
BENGALURU DISTRICT-560 100.

...PETITIONER

(BY SRI. LEELADHAR H P., ADVOCATE)

**AND:**

1. STATE OF KARNATAKA
BY HEBBAGODI POLICE STATION
BENGALURU CITY
REP. SPP
HIGH COURT BUILDING,
BENGALURU-560001.

...RESPONDENT

(BY SMT. N ANITHA GIRISH, HCGP)

Digitally signed by NANDINI M S
Location: High Court of Karnataka

THIS CRL.P FILED U/S 439 CR.PC PRAYING TO ENLARGE THE PETITIONER ON BAIL FOR THE OFFENCE U/S 302, 201 OF THE IPC IN CR.NO.148 OF 2023 OF HEBBAGODI POLICE PENDING ON THE FILE OF THE IV ADDITIONAL CIVIL JUDGE AND JMFC ANEKAL BENGALURU RURAL DISTRICT IN C.C.NO.3031/2023.

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

**ORDER**

Accused in Crime No.143/2023 registered by the Hebbagodi Police Station, Bengaluru District for the offence punishable under Sections 201 & 302 of IPC is before this Court seeking regular bail.

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

3. On the basis of complaint lodged by one Smt. Lakshmi W/o Venkatesha dated 30.03.2023**,** Hebbagodi Police had registered FIR in Crime No.148/2023 regarding missing of complaint's sister Manju. In the complaint it is stated that on 29.03.2023, the complainant's sister had gone to apartment for working and thereafter had not returned home. The efforts made to search her went in vain. Therefore, a missing complaint was lodged. During the course of investigation, the complainant had appeared before the Police Station on 05.04.2023 and stated that the dead body of her sister Manju was found. Thereafter, offence punishable under Section 302 of IPC was invoked in the case and during the course of investigation, the petitioner was arrested on 09.04.2023. The

investigation in the case is completed and charge sheet has been filed. The petitioner had filed bail application in Crl.Misc.No.5291/2023 before III Addl. District & Sessions Judge, Bengaluru Rural District (sitting at Anekal) which was dismissed on 21.07.2023. It is under these circumstances, the petitioner is before this Court.

4. Learned counsel for the petitioner reiterated the grounds urged in the petition and submits the case of the prosecution is based on circumstantial evidence. The body of the deceased was found on 05.04.2023 and missing complaint was lodged on 30.03.2023. Except the allegation of motive for the reasons that the petitioner allegedly had a illicit relationship with deceased Manju there are no other materials to connect the petitioner to the crime. Accordingly, he prays to allow the petition.

5. *Per contra*, learned High Court Government Pleader for respondent - State has opposed the bail application prays to dismiss the petition.

6. The deceased Manju was found missing from 29.03.2023. A missing complaint was lodged by her sister on

30.03.2023. Thereafter, on 05.04.2023 the body of the deceased Manju was traced and complainant had accordingly made a statement before the Police and in turn, the Police had invoked offences punishable under Sections 201 and 302 of IPC. During the course of investigation, the petitioner was arrested on 09.04.2023. Investigation in the case is complete and charge sheet has been filed.

7. As per charge sheet allegation, the petitioner was allegedly having illicit relationship with the deceased. It appears that the deceased had demanded a sum of Rs.5 lakhs from the petitioner for the purpose of constructing a house. When the petitioner had refused to pay the said amount, the deceased allegedly stated that she did not want to continue the relationship. The allegation is that the petitioner got enraged and therefore decided to eliminate the deceased. On 29.03.2023, he had taken the deceased along with him to a isolated place and consumed alcohol in the said place. Thereafter, assaulted the deceased with a stone and had murdered her. It is also alleged that the petitioner poured petrol on the dead body of the deceased and lit fire. However, on the next day having found that body was not fully burnt he

once again poured petrol on the body and burnt the body. The burnt body of the deceased was traced on 05.04.2023. It is only on the basis of ornament found on the body, the complainant had identified the body. Investigation in the case is complete and charge sheet has been filed. The petitioner is in custody since 09.04.2023. Learned counsel for the petitioner submits that the petitioner has no criminal antecedents and the same is not disputed by learned HCGP. Under these circumstances, I am of the considered view that the petitioner has made out a prima-face case for grant of regular bail.

8. Accordingly, the petition is ***allowed***. The respondent - Police or any other police in the State of Karnataka are directed to release the petitioner in Crime No.148/2023 registered by Hebbagodi Police Station, Bengaluru District for the offence punishable under Sections 201 & 302 of IPC, subject to the following conditions:

a) The petitioner shall execute personal bond for a sum of Rs.1,00,000/- (Rupees One lakhs only) with one surety for the likesum, to the satisfaction of the jurisdictional Court;

b) The 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) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) The 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/-**
**JUDGE**

NMS