NC: 2025:KHC:7928
CRL.P No. 14124 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 14124 OF 2024

BETWEEN:

MR. MARANNA S/O RANGAPPA,
AGED ABOUT 50 YEARS,
AGRICULTURIST,
R/O. GOLLARAHATTI,
YADALAGATTE VILLAGE,
TALAK HOBLI, CHALLAKERE TALUK,
CHITRADURGA DISTRICT-577 522.

…PETITIONER

(BY SRI NAVEEN H.M., ADV.)

AND:

STATE OF KARNATAKA
THALAK POLICE STATION,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU-560 001.

…RESPONDENT

(BY SRI K. RAHUL RAI, HCGP)

Digitally signed by SHIVAKUMAR HIREMATH
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNSS) PRAYING TO RELEASE THEM ON BAIL IN CRIME.NO.181/2024 OF RESPONDENT THALAK POLICE, REGISTERED FOR OFFENCE PUNISHABLE UNDER SECTIONS 103, 238, 3(5) OF BNS ACT, WHICH IS PENDING BEFORE HONBLE PRL. CIVIL JUDGE (JR. DVN.) AND JMFC AT MOLAKALMURU CHITRADURGA, ON SUCH TERMS AND CONDITIONS IN THE ABOVE CASE.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Accused no.2 in Crime No.181/2024 registered by Thalak Police Station, Chitradurga District, for the offences punishable under Sections 103, 238, 3(5) of the BNS, 2023, is before this Court under Section 483 of BNSS, 2023, seeking regular bail.

2. Heard the learned Counsel for the parties.

3. FIR in Crime No.181/2024 was registered by Thalak Police Station, Chitradurga District, for the aforesaid offences against Divya and two others on the basis of the first information dated 03.10.2024 received from Thippeswamy – brother of deceased Raghavendra. During the course of investigation of the case, petitioner herein was arrested on 05.10.2024. Investigation of the case is completed and charge sheet has been filed against three persons. Petitioner is arrayed as accused no.2 in the charge sheet. His bail application filed before the jurisdictional Sessions Court in Crl. Misc.

No.1464/2024 was rejected on 03.12.2024. Therefore, he is before this Court.

4. Learned Counsel for the petitioner submits that the petitioner is an agriculturist aged about 50 years having no criminal antecedents. The entire case of the prosecution is based on circumstantial evidence. Investigation of the case is completed and charge sheet has been filed. Accordingly, he prays to allow the petition.

5. Per contra, learned HCGP has opposed the petition. He submits that the postmortem report of the deceased supports the allegations found in the charge sheet against the accused. There are direct materials to connect the petitioner to the crime. Accordingly, he prays to dismiss the petition.

6. Perusal of the material on record would go to show that on 27.09.2024, accused no.1 – Divya had telephoned to the first informant and informed to him that her husband – Raghavendra was complaining of stomach pain. Immediately thereafter, the first informant sent his relative Nagaraj and his wife Mangalamma to the house of Raghavendra. He was informed by Nagaraj that Raghavendra had died in the house.

On 28.09.2024, the last rites of Raghavendra was performed and since the cause for death of Raghavendra was suspected, a UDR case in No.14/2024 was registered. It is alleged that subsequently petitioner herein confessed to the first informant about the murder of Raghavendra committed by him along with the other two accused persons. It is in this background, on 03.10.2024, the first informant had approached the police and based on his first information, FIR in Crime No.181/2024 was registered. During the course of investigation, on 05.10.2024, petitioner was arrested and remanded to judicial custody. Investigation of the case is completed and charge sheet has been filed.

7. The allegation in the charge sheet is that accused no.1 – Divya had illicit relationship with accused no.3 – Raju and this was opposed by her husband Raghavendra. Therefore, accused nos.1 & 3 decided to eliminate Raghavendra and for the said purpose, they had sought the assistance of the petitioner who is said to be the uncle of accused no.1. On 27.09.2024, accused nos.1 & 2 had provided liquor to deceased Raghavendra and accused no.1 allegedly mixed some tablets to the liquor that was being consumed by Raghavendra, and as a

result, he lost his consciousness. It is alleged that accused nos.1 & 2 thereafter strangulated his neck with a wire and committed his murder.

8. The entire case of the prosecution is based on circumstantial evidence. Petitioner, aged about 50 years who is said to be an agriculturist, has no other criminal antecedents. Investigation of the case is completed and charge sheet has been filed. In the postmortem report of the deceased, the cause of death is mentioned as "due to constriction force around the neck, however, deceased has consumed ethyl alcohol and contains zolpidem (sedative)". Allegations against the accused is required to be proved in a full-fledged trial. Trial in the case is yet to commence. Having regard to the aforesaid aspects of the matter, I am of the opinion that the petitioner has made out a case for grant of regular bail. Accordingly, the following order:

9. Petition is allowed. The petitioner is directed to be enlarged on bail in Crime No.181/2024 registered by Thalak Police Station, Chitradurga District, for the offences punishable under Sections 103, 238, 3(5) of the BNS, 2023, is before this

Court under Section 483 of BNSS, 2023, subject to the following conditions:

a) The petitioner shall execute personal bond for a sum of Rs.1,00,000/- with two sureties 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 involve in similar offences in future;

e) 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/-
(S VISHWAJITH SHETTY)
JUDGE

KK