

**IN THE HIGH COURT OF KARNATAKA  
DHARWAD BENCH**

**DATED THIS THE 19<sup>TH</sup> DAY OF FEBRUARY 2021**

**BEFORE**

**THE HON'BLE MR.JUSTICE K. NATARAJAN**

**CRIMINAL PETITION NO.100188/2021**

**BETWEEN:**

RAHUL S/O.MARUTI PATIL,  
AGE-19 YEARS, OCC-TILES FITTER,  
R/O.BELAGUNDI VILLAGE,  
TQ & DIST-BELAGAVI-591 108.

.. PETITIONER

(BY SRI MAHESH WODEYAR, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
THROUGH BELAGAVI RURAL POLICE,  
REPRESENTED BY ADDL. SPP,  
HIGH COURT OF KARNATAKA, DHARWAD BENCH,  
AT DHARWAD.
2. RAMACHANDRA MALLAPPA KAMBALE,  
AGE-58 YEARS, OCC-AGRICULTURE,  
R/O.VENGURLA ROAD, SULAGA VILLAGE (HINDALAGA)  
TQ. AND DIST-BELAGAVI-591 108.

.. RESPONDENTS

(BY MS SEEMA SHIVA NAIK, HCGP FOR R-1)

(BY SRI RAGHAVENDRA A.PUROHIT, ADVOCATE FOR R-2)

THIS CRIMINAL PETITION FILED UNDER SECTION 439 OF CR.P.C. AND PRAYED TO ALLOW THIS CRIMINAL PETITION AND ENLARGE THE PETITIONER/ACCUSED NO.5 ON BAIL IN CRIME NO.115/2020 OF BELAGAVI RURAL POLICE STATION FOR THE OFFENCE PUNISHABLE UNDER SECTION 143, 120(B) AND 302 READ WITH SECTION 149 OF IPC AND SECTION 3(2)(v) OF THE SC/ST PA ACT, 1989 AND AMENDMENT ACT, 2015 IN THE INTEREST OF JUSTICE AND EQUITY.

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

### **ORDER**

This petition filed by petitioner/accused No.5 under Section 439 of Cr.P.C. for granting regular bail in Crime No.115/2020 registered by Belagavi Rural Police for the offences punishable under Sections 143, 120B and 302 read with Section 149 of IPC and Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the SC/ST PA Act').

2. It is the case of prosecution that on the complaint of one Sri Ramachandra Kambale, father of deceased-Rohini lodged complaint to the police on 26.09.2020 alleging that his daughter-Rohini the deceased has given in marriage with the Gangappa and prior to that, it was a love marriage and they were residing in

Machche village. On 26.09.2020 at 4.50 p.m., he came to know through his son Rohan that his daughter-Rohini and another woman were lying in the pool of blood due to injuries. Immediately, he went to the spot and saw his daughter's dead body and dead body of one Rajashree who is also a neighbour of the deceased. And he has enquired with other four persons, who were present on the spot, they have stated two persons were killed by stabbing the both woman and ran away in their motorcycle. Therefore, a case came to be registered against unknown accused persons, for the offence punishable under Section 302 read with Section 34 of IPC. Immediately, on the same day, the complainant has given further statement stating that his son-in-law Gangappa previously married one-Mallawwa and thereafter he has residing separately. Subsequently, after the marriage of his daughter with the Gangappa, he came to know as his son-in-law had illegal intimacy with one Kalpana the accused No.1. Six months back prior to the incident the said Kalpana came and picked up quarrel with his daughter-Rohini and she has threatened for making criminal intimidation whether she has to live with the Gangappa or deceased has to live and about 8 days back the son-in-law was set off a

house at Bramha Nagar of Machche village and she has also acquainted with the neighbour, wife of Ravi Bannur namely Rajashree both were closed friends and he has doubted the paramour of his son-in-law Kalpana might have committed the murder.

3. Based upon the complaint, police arrested the accused Nos.1 to 5 and recorded their voluntary statements. Accused No.1 has confessed before the police that due to enmity between the daughter of the complainant and herself in respect of marriage dispute with Gangappa, she has informed to her nephew the accused No.2 Mahesh, in turn Mahesh brought accused No.3-Shanoor, they have conspired to commit the murder of his daughter-Rohini and later they engaged the service of accused Nos.4 and 5, who said to be supaari killers. They said to be demanded ₹1,00,000/- for elimination of the deceased, later they have agreed to receive ₹50,000/- and on the day before incident the accused Nos.4 and 5 said to have received ₹30,000/- as supaari and later after the date of incident the accused were stabbed the deceased Rohini, at that time, another woman Rajashree

accompanied the Rohini, she tried to rescue her. Therefore, they also committed the murder of Rajashree and fled away in their motorcycle. It is also stated; later the accused Nos.4 and 5 informed the accused No.1 about executing the murder. The accused persons were produced before the Court and they remanded to Judicial Custody. Accused No.5 moved bail petition before the Sessions Judge, which came to be rejected. Hence, he is before this Court.

4. Learned counsel for the petitioner/accused No.5 has contended that this petitioner is innocent of the alleged offenses. He has been falsely implicated in this case. FIR registered against the unknown accused persons. The accused was implicated only on the basis of voluntary statement of the accused No.1. There are no eyewitnesses to the incident. The jacket which was worn by the assailants has not been seized by the Investigating Officer and there is no test identification parade conducted by the Investigating Officer for identifying the accused by the eyewitnesses. The co-accused No.3 already released on bail. The charge sheet is also filed. Hence, he prayed for granting bail.

5. *Per Contra*, the learned HCGP Ms. Seema Shiva Naik appearing for respondent No.1-State objected the bail and contended that there is *prima-facie* material filed against the accused for having committing murder of the deceased Rohini as well as killed another lady Rajashree, who accompanied the Rohini on the date of incident. After the arrest, the police seized the blood stained clothes of the deceased persons and blood stained clothes from the accused Nos.4 and 5, the motorcycle used by the accused has been seized which was identified by the CWs.2 and 5. The accused were committed brutally murder of two woman. Therefore, she prayed for dismissal of the bail petition.

6. The learned counsel Sri Raghavendra A. Purohit, appearing for respondent No.2- Complainant has objected the bail petition and contended that there is *prima-facie* material placed on record to show the involvement of accused persons in this case. The nature of incident killing the two women including a foetus in the womb of the Rohini also died unnecessarily in the incident. There is phone call list collected by the police, which reveals the accused have committed the murder and intimated the accused No.1. If the

accused released on bail, he may tamper the prosecution witnesses and commit the similar offence is not ruled out. Hence, he prayed for rejecting the petition.

7. Upon hearing the arguments on both sides and on perusal of the material on record, as per the complaint filed by-Ramachandra Kambale, a case was initially registered against the unknown persons. Admittedly, he is not an eyewitness to the incident. He went to the spot and saw his daughter-Rohini and another lady one-Rajashree, the neighbour of his daughter were lying in the pool of blood having the stab injuries and he saw cut injuries on the neck of his daughter. When on the very same day, after registering the case, he has given further statement narrating the previous incident and enmity between his daughter and the paramour of his son-in-law Gangappa. There were previous quarrel, where the accused No.1-Kalpana was said to be loved with his son-in-law for 10 years and therefore he came to know about the quarrel between accused No.1 with his daughter and he has suspected the accused No.1 might have killed his daughter. Subsequent to the arrest of accused Nos.1 to 5 by the police, it was

revealed that accused No.1 with the previous enmity between the deceased and herself she has engaged service of other accused by paying supaari of ₹30,000/- for eliminating the deceased. It is unfortunate that accused persons also killed another innocent woman-Rajashree who also walking with the deceased-Rohini. It is also unfortunate that deceased-Rohini was pregnant of 5 months, the child also killed in the womb, accused persons committed murder of 3 persons by taking the supaari money.

8. The police after arresting the accused persons seized the blood stained clothes and one knife from accused Nos.4 and 5 and motorcycle also recovered by the police, CWs.2 and 5 who saw on the day of incident. On looking to the entire documents on record and postmortem examination report, call list collected by the police regarding meeting of the accused Nos.1 to 5 clearly goes to show the *prima-facie* case for connecting with the crime, the accused committed triple murder in a day. Therefore, merely accused No.3 except contact with other accused, there is no other role played by the accused No.3. Therefore, the trial Court might have granted bail to accused No.3. But the ground of parity will not available to the



accused No.5. Therefore, considering the facts and circumstances of the case, I am not inclined to grant bail to accused No.5. Hence, petition is rejected.

The trial Court shall not be influenced by any observations made in this order during trial.

**Sd/-  
JUDGE**

ckk