

IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH

DATED THIS THE 12TH DAY OF DECEMBER 2018

BEFORE

THE HON'BLE MR. JUSTICE JOHN MICHAEL CUNHA

CRIMINAL PETITION NO.201388 OF 2018

BETWEEN:-

CHANAMMA
W/O NAGAPPA @ NAGARAPPA CHOUDHARI
AGE: 30 YEARS, OCC: HOUSEHOLD
R/O DONI AMBALNUR, TQ. SINDAGI
DIST. VIJAYAPURA
AT PRESENT TAMBA VILLAGE
TQ. INDI, DIST. VIJAYAPURA – 586 209

... PETITIONER

(BY SRI ANIL KUMAR NAVADAGI, ADVOCATE)

AND:-

THE STATE THROUGH
INDI RURAL POLICE STATION
DIST. VIJAYAPURA
BY THE ADDL. SPP
HIGH COURT OF KARNATAKA
KALABURAGI BENCH – 585 103

... RESPONDENT

(BY SRI MALLIKARJUN SAHUKAR, HCGP)

THIS CRL.P IS FILED UNDER SECTION 439 OF CR.P.C.,
PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CRIME
NO.186/2018 OF INDI RURAL POLICE STATION FOR THE
OFFENCES PUNISHABLE UNDER SECTIONS 302, 201, 506 R/W

SECTION 34 OF IPC, PENDING BEFORE PRINCIPAL SESSIONS JUDGE, INDI.

THIS CRL.P COMING ON FOR ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:-

ORDER

The petitioner is accused No.2, against whom charge sheet is laid for the offences punishable under Sections 302, 201 AND 504 read with Section 34 of IPC.

2. The case of the prosecution is that the deceased Savitri was working as Assistant Teacher in the school run by accused No.1 at Tamba. She married one Rajshekhar on 06.05.2018. That on 14.06.2018, she had been to the house of accused Nos.1 and 2 to present them some clothes. Since then the deceased was missing. Her dead body was found in a gunny bag in Satnal stream. On the same day, the father of the deceased lodged a complaint against unknown persons. In the course of the investigation, accused Nos.1 and 2 were arrested on 27.06.2018. Accused No.1 is the husband of the present petitioner.

3. According to the prosecution, the deceased was carrying on illicit relationship with accused No.1 even before her marriage and after the marriage she was not inclined to cut off the said relationship with accused No.1 and hence, on 14.06.2018 when the deceased had been to the house of accused Nos.1 and 2, accused Nos.1 and 2 are alleged to have strangled the deceased and thereafter stuffed her dead body in a gunny bag and disposed off the same in Satnal stream. Her clothes were burnt in the school compound.

4. In the course of investigation, CW.17, a cook working in the said school disclosed about the quarrel she heard in the house of the accused on the date of the incident. A pair of chappal belonging to the deceased were recovered from the house of the accused persons based on the disclosure statement of accused No.2. The post mortem report indicates that the deceased died due to asphyxia 24 to 48 hours prior to commencement of the post mortem examination which fits into the time narrated by CW.17. Therefore, there appears to be *prima facie* material in proof of the involvement of the petitioner in the alleged offence.

5. Having regard to the manner in which the accused persons have caused disappearance of the evidence to screen themselves from legal punishment, the accused are disentitled to bail. However, the petitioner being a woman having four kids and the investigation itself having been completed, her custody may not be required to be extended any further. Hence, solely for the above reason, the petitioner/accused No.2 is directed to be enlarged on bail.

6. Hence, the following order:-

The petition is **allowed**.

a) Petitioner is ordered to be enlarged on bail on obtaining a bond in a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for the likesum to the satisfaction of the jurisdictional Court.

b) Petitioner shall appear before the Court as and when required.

c) Petitioner shall not threaten or allure the prosecution witnesses in whatsoever manner.

Sd/-
JUDGE

LG