



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO. 450 OF 2026 (U/S 14(A) (2))

BETWEEN:

H U SARASWATHI
W/O. HARISHA,
AGED ABOUT 23 YEARS,
HOUSEHOLD WORKER,
R/AT GUMMANURU VILLAGE,
DAVANGERE TALUK AND
DISTRICT – 577 001.

...APPELLANT

(BY SRI. S G RAJENDRA REDDY., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY DAVANAGERE RURAL
POLICE STATION,
DAVANAGERE DISTRICT,
REPTD. BY S.P.P,
HIGH COURT OF KARNATAKA,
BENGALURU – 560 001.
2. MAHARUDRAPPA
S/O. LATE. NAGAPPA,
AGED ABOUT 66 YEARS,



R/AT GUMMANURU VILLAGE,
DAVANGERE TALUK AND
DISTRICT – 577 001.

...RESPONDENTS

(BY Ms. ASMA KOUSER., ADDL. SPP FOR R1;
SMT. RAJESHWARI B R., ADVOCATE FOR R2)

CRL.A. FILED U/S.14(A) (2) OF SC/ST (POA) ACT, 2015
BY THE ADVOCATE FOR THE APPELLANT/S PRAYING THAT THIS
HONBLE COURT MAY BE PLEASED TO ALLOW THIS CRIMINAL
APPEAL AND SET ASIDE THE ORDER DATED 18.02.2026
PASSED BY THE II ADDL. DISTRICT AND SESSIONS JUDGE,
DAVANAGERE, IN DAVANAGERE RURAL P.S., CRIME
NO.46/2026 AND ENLARGE THE APPELLANT ON BAIL IN CRIME
NO.46/2026 OF DAVANAGERE RURAL POLICE STATION,
DAVANAGERE DISTRICT, REGISTERED FOR THE OFFENCE
P/U/S 115(2), 126(2), 108, 352, 3(5) OF BNSS 2023 AND
SEC.3(1)(r), 3(1)(s), 3(2)(V), 3(2)(v-a) OF SC/ST (POA) ACT
1989, PENDING ON THE FILE OF THE II ADDL DISTRICT AND
SESSIONS JUDGE, DAVANAGERE.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



ORAL JUDGMENT

This appeal has been filed by the appellant, who is arrayed as accused No.2 seeking regular bail in Cr.No.46/2026 of respondent-Davanagere Rural Police Station for the offences under Sections 115(2), 126(2), 108, 352 r/w 3(5) of Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(v), 3(2)(v-a) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities Act), 1989.

2. The case of the prosecution is that a complaint came to be registered on 27.01.2026 before the respondent-Police alleging that his son namely Harisha married the appellant on 09.11.2025. After the marriage, there were frequent quarrels between the husband and wife. It is further stated that the deceased-Harisha had informed the complainant that the appellant used to talk with somebody over the phone and she refused to give her phone to her son. Later, the deceased-Harisha had learnt that this appellant was having an illicit affair with one Shivakumar and both were talking with each other regularly. When it was objected, the accused No.1 quarreled with deceased-Harish and informed him that he was



having an affair with his wife since the last 10 years and threatened him with dire consequences. Consequently, on 26.01.2026, at around about 07.00 p.m., the deceased has committed suicide by leaving a death note. Hence, the complaint. The respondent-Police after registering the case, conducted investigation. The investigation is in progress.

3. Heard Sri. S.G.Rajendra Reddy, learned counsel for the appellant, Ms. Asma Kouser, learned Additional State Public Prosecutor for respondent No.1 and Smt. Rajeshwari B.R., learned counsel for respondent No.2.

4. The submission of the learned counsel for the appellant is that, the appellant is innocent of the alleged offences and she has been falsely implicated in this case. The investigation is under progress. She is a lady aged about 24 years and she is a permanent resident of the address stated in the cause-title. In fact, the other accused have been enlarged on bail by the Co-ordinate Bench of this Court. Therefore, she may be enlarged on bail on parity. Making such submissions, learned counsel for the appellant prays to allow the appeal.



5. *Per contra*, learned counsel for respondent No.2 produced the order sheet of the trial Court and submits that the appellant has undergone termination of pregnancy on medical grounds on 23.02.2026. She further submitted that due to her illegal affair with accused No.1 and a quarrel between the accused No.1 and the deceased, the deceased-Harisha committed suicide. There is a nexus between the suicide and the quarrel between accused Nos.1 and 2 with the deceased. Therefore, the appellant is not entitled for the relief as prayed for.

6. Similarly, learned Additional State Public Prosecutor for the respondent-State adopted the argument advanced by the learned counsel for respondent No.2 and submitted that the appellant has committed a heinous offence against her husband and she is responsible for the death of her husband on account of her illicit relationship with accused No.1. Therefore, she is not entitled for the relief as prayed for. Making such submissions, learned Additional State Public prosecutor prays to reject the appeal.



7. Having heard the learned counsel for the respective parties and perusal of the averments of the complaint, it appears that the appellant is the wife of the deceased-Harisha. There was a strained relationship between the deceased-Harisha and herself. The deceased-Harisha was suspecting her fidelity that she had affair with accused No.1 and used to assault her in that context. The accused No.1 is stated to have quarreled with deceased-Harisha and threatened him with dire consequences in that regard. Being fed up with the act of the appellant herein, it is alleged that on 26.01.2026, the said deceased committed suicide. Therefore, the father of the deceased lodged a complaint against five persons and FIR came to be registered against all the five persons. However, the Co-ordinate Bench of this Court granted bail to other accused in respect of this case.

8. Having considered the said aspect and also considering that the appellant is a female aged about 24 years and also recently undergone termination of pregnancy, it is appropriate to grant bail on humanitarian ground. Hence, I proceed to pass the following:



ORDER

- i) The Criminal Appeal is ***allowed***.
- ii) The impugned order passed by the II Additional District and Sessions Judge, Davanagere in Cr.No.46/2026 dated 18.02.2026 is set aside.
- iii) The appellant is directed to be enlarged on bail in Crime No.46/2026 of Davanagere Police Station, registered for the offences punishable Sections 115(2), 126(2), 108, 352 r/w 3(5) of Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(v), 3(2)(v-a) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities Act), 1989, subject to the following conditions:
 - a) The appellant shall execute personal bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with one surety for the likesum, to the satisfaction of the jurisdictional Court.
 - b) The appellant shall not threaten the prosecution witnesses.
 - c) The appellant shall not hamper the Court proceedings.



- d) The appellant shall not leave the jurisdiction of the Court till disposal of the case.
- e) The appellant shall appear before the trial Court on all hearing dates without fail.
- e) The appellant shall not involve in any other criminal cases or such similar cases in future till disposal of the present case.

**Sd/-
(S RACHAIAH)
JUDGE**