IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF DECEMBER 2020

BEFORE

THE HON'BLE MR.JUSTICE S.VISHWAJITH SHETTY

CRIMINAL PETITION NO.5900 OF 2020

BETWEEN:

S.Rajesh
S/o C.P.Selvaraj
Aged about 28 years
Ramohalli Post
R/a Bheemanakuppe Cross Village
Kengeri Hobli,
Bangalore South Taluk
Bangalore
Pin Code-560 068. ...PETITIONER

(BY Sri.Ranganath Reddy.R, ADV.)

AND

State by
The Station House Officer
Kumbalgodu Police Station
Bangalore Rural
(Represented by the State Public Prosecutor)
High Court of Karnataka
Pin Code-560 001. ...RESPONDENT

(BY Sri.Vinayaka.V.S, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.152/2020 OF KUMBLAGUDU P.S., RAMANAGARA DISTRICT FOR THE OFFENCE P/U/S 302 OF INDIAN PENAL CODE.

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

O R D E R

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

2. It is the case of the prosecution that on 14.06.2020 after watching T.V., the deceased Smt.V.G.Meenakshi, who went to sleep, did not wake up on the next morning and her son/petitioner herein with the assistance of one Chennappa and Hussain took her to Rajarajeshwari Hospital and the Doctor in the said hospital declared her brought dead. A case was registered regarding the unnatural death of Smt.Meenakshi in UDR No.21/2020 and the dead body of said Smt.Meenakshi was sent for postmortem. As per

the postmortem report, the death of deceased was due to asphyxia as a result of combined effect of smothering and throttling. Thereafter, the jurisdictional Police registered an FIR in Crime No.152/2020 against unknown persons for an offence punishable under Section 302 of IPC. Subsequently during the course of investigation, on the basis of the alleged confession statement made by the petitioner, the petitioner was arrested on 20.06.2020 and ever since then he is in judicial custody. The Police after investigation have filed a charge sheet against the petitioner for an offence punishable under Section 302 of IPC. The petitioner thereafterwards had filed Criminal Misc.No.1307/2020 before the court of VIII Additional District and Sessions Judge, Bengaluru Rural District, Bengaluru, under Section 439 of Cr.P.C. and the same was dismissed on 27th October 2020. It is under these circumstances, the petitioner has approached this court in this petition.

3. Learned counsel for the petitioner submits that except the alleged confession statement made by the petitioner, there is no other material on record to connect the petitioner to the crime. The conduct of the petitioner in taking his mother to the hospital immediately after seeing her in an unconscious status would go to show that he is not involved in the crime. The learned counsel for the petitioner submits that though the case of the prosecution is based on circumstantial evidence, except the alleged confession statement, there is no other circumstance which connects the petitioner to the crime. He submits that the petitioner is in custody for the last nearly six months and since the investigation is now completed, his custody is no more required and therefore, he prays to enlarge the petitioner on bail.

4. Per contra, learned Government Pleader submits that the petitioner is involved in a heinous offence of murder. He also submits that the petitioner is a

chronic alcoholic and he used to quarrel and assault his mother regularly demanding money for his vice. He also submits that the petitioner is likely to tamper with the material witnesses and therefore, he prays to reject the bail petition.

5. I have considered the rival contentions urged by both parties and also perused the available material on record.

6. Petitioner is the only son of deceased Smt.Meenakshi. The case of the prosecution is entirely based on circumstantial evidence. Except the alleged confession statement made by the petitioner, the prosecution has failed to show any other material to connect the petitioner to the crime. The veracity of such statement is required to be tested in a full-fledged trial. Admittedly, the investigation in the case is completed and the Police have already filed the charge sheet in the month of October 2020 itself. Taking into consideration

the above aspects and also having regard to the facts and circumstances of the case, I am of the view that the petitioner could be enlarged on bail and the apprehension of the prosecution that he is likely to tamper with the prosecution witnesses, etc., can be taken care of by imposing stringent conditions on the petitioner while granting bail.

7. Accordingly, I pass the following order:

The petition is allowed. The petitioner is directed to be enlarged on bail in Crime No.152/2020 registered by the Kumbalagudu Police Station, Ramanagara, for the offence punishable under Section 302 of IPC, subject to the following conditions:

1) The petitioner shall execute a self-bond for a sum of Rs.1,00,000/- and furnish two sureties for the like-sum;

2) The petitioner shall not tamper with the prosecution witnesses either directly or indirectly;

3) The petitioner shall regularly appear before the trial court on all dates of hearing unless his appearance is exempted by the trial court for valid reasons;

4) The petitioner shall not leave the jurisdiction of the trial court till the case registered against him is disposed of.

Sd/-
JUDGE

KNM/-