IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF DECEMBER, 2020

BEFORE

THE HON'BLE MR. JUSTICE SREENIVAS HARISH KUMAR

CRIMINAL PETITION NO.7618 OF 2020

BETWEEN:

1. Shivamma,
W/o. Late Mahadevanayaka
Aged 50 years,
Working a Coolie,
R/at Bandalli Village,
Hanur Taluk,
Chamarajnagar District-571111.

2. Rajamma,
W/o. Krishna,
Aged 43 years,
Working as Coolie,
R/at Bandalli Village,
Hanur Taluk,
Chamarajnagar District-571111.

…Petitioners

(By Sri. Y.S.Shivaprasad, Advocate)

AND:

State of Karnataka by
Hanuru Police Station,
Represented by State Public Prosecutor,
High Court Building,
Bengaluru-560001.

... Respondent

(By Sri. B.J.Rohith, HCGP)

This Criminal Petition is filed under Section 439 Cr.P.C. praying to enlarge the petitioner on bail in Cr.No.125/2020 of Hanur Police Station, Chamarajanagar for the offence punishable under Section 302 read with 34 of IPC.

This Criminal Petition coming on for orders, this day, the Court made the following:

ORDER

The petitioners are accused no.1 and 2 in Cr.No.125/2020, both are women.

2. Heard both sides.

3. The name of the deceased is Sannamma, her son Shrikanta made a report to the police stating that there was dispute with regard to making use of a passage situated in between his house and the house of the petitioners. Very often there used to take place quarrels between the deceased and the petitioners. On 11.10.2020, at about 2.00 p.m. first informant took his father to the hospital for the purpose of treatment and then returned to the house. At

about 2.30 p.m. he went towards bus stand and since he heard quarrelling noise near his house, he returned to his house immediately and saw both the petitioners pushing his mother holding her tuft. As the petitioners pushed his mother forcibly she fell down and died.

4. Therefore from the first information itself it is clear that in the usual quarrel that was taking place very often in connection with using passage, the deceased was pushed down. The post mortem report does not indicate the actual cause of death. The doctor who conducted autopsy has not mentioned the actual cause of death, but has noticed the presence of surface wounds. It is doubtful that the death occurred due to injuries noted in the postmortem report. Therefore in these circumstances it is difficult to say that actually the incident punishable under Section 302 of IPC took place. Anyway it is a matter of proof before the court. Petitioners are women. Taking note of all these circumstances, petition can be allowed. Hence the following:

ORDER

i. Petition is allowed.

ii. The petitioners shall be released on bail on obtaining from each of them a bond for Rs.1,00,000/- (Rupees One Lakh only) and providing two sureties for the likesum to the satisfaction of the trial court.

The petitioners are subjected to the following conditions:

a. They shall not threaten the witnesses and destroy the evidence in whatsoever manner.

b. They shall regularly appear before the trial court till conclusion of trial.

Sd/-
JUDGE

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