NC: 2025:KHC:51985
CRL.P No. 14140 of 2025

HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

CRIMINAL PETITION No. 14140 OF 2025 (439(Cr.PC) / 483(BNSS))

BETWEEN:

1. SMT.SUDHA,
   W/O SOMASHEKAR
   AGED ABOUT 40 YEARS
   R/AT T.GENNARAHALLI VILLAGE
   PRESENTLY
   R/AT RENTED HOUSE OF NANJAPPA,
   SHIVAKESHVANAGAR
   MULABAGAL TOWN
   KOLAR DISTRICT - 563 131.

2. SMT. SHYLAJA @ SHYLA SHYLU
   W/O SHASHIKUMAR
   AGED ABOUT 21 YEARS
   R/AT GADDAM CHENNEPALLI VILLAGE
   MULABAGAL TALUK
   R/AT RENTED HOUSE OF SHARADHAMMA
   SHIVAKESHVANAGAR, MULABAGAL TOWN
   KOLAR DISTRICT. PIN -563 131.

...PETITIONERS

(BY SRI. RAMA MURTHY N, ADVOCATE)

Digitally signed by LAKSHMINARAYANA MURTHY RAJASHRI
Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE OF KARNATAKA
   BY MULABAGAL RURAL POLICE
   REP BY STATE PUBLIC PROSECUTOR

HIGH COURT OF KARNATAKA
BENGALURU-560 001.

…RESPONDENT

(BY SMT. B PUSHPALATHA, ADDL. SPP)

THIS CRL.P IS FILED UNDER SECTION 439 Cr.PC (FILED U/S 483 BNNS) PRAYING TO RELEASE THE PETITIONER ON BAIL IN SPL.SC BNS AND SC/ST No.1/2025 PENDING BEFORE HON'BLE II ADDL.DISTRICT AND SESSIONS JUDGE AT KOLAR FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 103(1), 61(2)(A), 238(A) R/W 3(5) OF BNS ARISING OUT OF CRIME No.269/2024 REGISTERED BY RESPONDENT No.1 MULABAGAL RURAL POLICE.

THIS PETITION, COMING ON FOR ORDERS THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL ORDER

This petition is filed by accused Nos. 1 and 2 under Section 483 of BNSS praying to grant bail in Spl.S.C.BNS & SC/ST No.1/2025 pending on the file of II Additional District and Sessions Judge, Kolar registered for offences punishable under Sections 103(1), 61(2)(A), 238(A) read with 3(5) of BNS arising out of Crime No.269/2024 of Mulbagal Rural Police Station.

2. Heard learned counsel for petitioners and learned Additional SPP respondent/State.

3. Learned counsel for the petitioners would contend that serious overt acts of assault with knife is alleged against accused No.3 and he has been granted bail by co-ordinate Bench of this Court in Crl.A.No.1198/2025 by judgment dated 08.09.2025. The overt act alleged against petitioner No.2 is that she tied the hands of the deceased with turkey towel and facilitated accused No.3 to assault the deceased with knife. The allegation against accused No.1 is that she is having illicit relationship with accused No.3 and as her husband was coming in the way, she conspired with accused Nos.2 and 3 to kill her husband. Considering the said aspect, the petitioners are entitled for grant of bail on the ground of parity. The petitioners are in judicial custody since 20.11.2024. With these he prayed to allow the petition.

4. Per contra, learned Additional SPP would contend that accused Nos.1 to 3 conspired to kill the deceased. In furtherance of the said conspiracy accused Nos.2 and 3 took the deceased and made him to consume alcohol and

accused No.2 tied the hands of the deceased with a turkey towel. Thereafter, accused No.3 assaulted the deceased with knife on his neck and caused his death. The offence alleged against the petitioner is a heinous offence punishable with death or imprisonment for life. With these she prayed to reject the petition.

5. Having heard the counsels, the Court has perused the charge sheet and other materials place on record.

6. As per charge sheet, the case of the prosecution is that accused No.1 had illicit relationship with accused No.3. The deceased who was the husband of accused No.1 was coming in the way of their illicit relationship. Therefore, accused Nos.1 to 3 conspired to kill the deceased. In furtherance of the said conspiracy, accused Nos.2 and 3 took the deceased and made him to consume alcohol and accused No.2 tied the hands of the deceased with a turkey towel and at that time accused No.3 assaulted the deceased with a knife on his neck and caused his death. Accused No.3 against whom serious

overt acts of assault with a knife is alleged has been granted bail in Crl.A.No.1198/2025. Considering the said aspect, the petitioners are also entitled for grant of bail on the ground of parity. The petitioners have made out grounds for grant of bail with conditions. In the result, the following:

ORDER

The petition is allowed. The petitioners are granted bail in Spl.S.C.BNS & SC/ST No.1/2025 pending on the file of II Additional District and Sessions Judge, Kolar, subject to following conditions:

1. Petitioners shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees one lakh) each, with one surety for the like sum to the satisfaction of the trial Court.

2. Petitioners shall not tamper the prosecution witnesses either directly or indirectly.

3. Petitioners shall attend the trial Court on all dates of hearing unless exempted and co-operate for speedy disposal of the case.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 2 Sl No.: 42