

**IN THE HIGH COURT OF KARNATAKA
CIRCUIT BENCH AT DHARWAD
DATED THIS THE 31st DAY OF JANUARY, 2011**

BEFORE

THE HON'BLE MR. JUSTICE ANAND BYRAREDDY

CRIMINAL PETITION NO. 10002/2011

C/w.

CRIMINAL PETITION NO. 8392/2010

BETWEEN:

Parashuram, S/o. Durugappa Medar
Age: 30 years, Occ: Coolie
R/o. Dashampura village
Presently residing at
Garag, Tq: Hospet
Dist: Bellary

**...PETITIONER
(IN CRL.P.NO.10002/2011)**

Eranna @ Erappa, S/o. Late Erappa
Age: 40 years, Occ: Agriculture
R/o. Garag, Tq: Hospet
Dist: Bellary

**...PETITIONER
(IN CRL.P.NO.8392/2010)**

(By Sri. Patil M. H, Adv.)

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AND:

The State of Karnataka
By Mariyammanahalli PS
Tq: Sandur, Dist. Bellary
Rep. by Addl. SPP
High Court Circuit Bench
Dharwad.

**...RESPONDENT
(COMMON)**

(By Sri. Anand Kumar Navalgimath, HCGP)

Criminal Petition No.10002/2011 is filed under Section 439 of Cr.P.C seeking that the petitioner be enlarged on regular bail in Sessions Case No.49/2010 pending on the file of the Fast Track Court-III, Hospet in Mariyammanahalli P.S.Crime No.139/2009 for the offences punishable u/s 302, 201 r/w Sec.34 of IPC.

Criminal Petition No.8392/2010 is filed under Section 439 of Cr.P.C seeking to enlarge the petitioner on regular bail in Sessions Case No.49/2010 pending on the file of the Fast Track Court-III, Hospet in Mariyammanahalli P.S.Crime No.139/2009 for the offences punishable u/s 302, 201 r/w Sec.34 of IPC.

These petitions coming on for orders this day, the Court made the following:

ORDER

Heard the learned Counsel for the petitioners and the learned Government Pleader.

2. On the basis of the complaint by Guddallia Yamanappa before the Mariyammanalli police, alleging offences punishable under Sections 302, 201 read with Section 34 of I.P.C, the petitioners herein are arraigned as accused No.1 and 2, respectively. In the complaint, it was stated that the complainant had six children, of whom his elder daughter Sharadavva was married to accused No.1 Parashurama, 8 years prior to the complaint. The said Parashurama suspected his wife's fidelity right from the beginning and there were constant complaints about the suspicion. On account of suspicion carried by him, the said Sharadavva was constantly harassed. There were 3 children born to her. In spite of this, Parashurama continued to suspect her fidelity and there were instances, according to the complainant when Sharadavva had been assaulted on the footing that she had been unfaithful to him. The said Parashurama was consistently shifting from place to place and he had taken up residence in

Garag village at the time of the complaint. He was staying at his sister's house there and though Sharadavva was not keen on living with Parashurama, the complainant had persuaded her to continue her matrimonial life with Parashurama and accordingly, she had joined Parashurama at his sister's house in Garag.

On 24.11.2009, Sharadavva, Parashuram, his elder sister Manikyamma and his brother-in-law had gone to the forest at 10.00 am to collect firewood. It was later witnessed that, Sharadavva did not return along with them, when they came back to Garag. It transpires that on 26.11.2009, some cowherds informed the complainant that they had seen the dead body of his daughter in the forest area. The complainant had, thereafter, tried to search for the body and was not successful. He then went to the house of the accused to know the whereabouts of his daughter. When there was no information

forthcoming, he had informed the police about the missing Sharadavva.

It is on investigation that the police had recorded the statements of CW7 to CW11, who had last seen Sharadavva along with the accused including Manikyamma and they had also seen that she did not return along with them, when the three came back with the firewood at 3.00 pm. It is on this circumstantial evidence, that the cases have been registered. This Court on earlier occasion has taken into account that Manikyamma, being a woman was entitled to bail and accordingly, has enlarged her on bail.

3. The learned Counsel for the petitioners would now submit that Parashurama, who is the husband of the deceased has appeared before this Court for the first time and since there were no eye witnesses and it is purely on circumstantial evidence, that the cases came to be foisted

against the petitioners herein, the case of the petitioners may be considered for grant of bail.

4. Insofar as the petition by Iranna is concerned, since there are no changed circumstances, the same is rejected. Insofar as the bail petition of Parashurama is concerned, he being the husband of the deceased Sharadavva, against whom the complainant has made strong allegations of the suspicion, that he was carried since 8 years against Sharadavva and the other circumstance of several witnesses having seen them, going into the forest and returning without Sharadavva, a strong case is made out against the petitioner and therefore, there is no warrant for consideration of the bail petition.

5. The petitions are accordingly, rejected.

gab/-

Sd/-
JUDGE