

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF SEPTEMBER, 2017

BEFORE

THE HON'BLE MR. JUSTICE SREENIVAS HARISH KUMAR

CRIMINAL PETITION No.6945/2017

BETWEEN

TAZEEN KOUSAR
W/O MOHAMMED SALEEMULLA
AGED ABOUT 38 YEARS
RESIDING AT ISLAMPURA
KASABA HOBLI
NELAMANGALA TALUK
BANGALORE RURAL – 562 122

...PETITIONER

(By SRI MOHAMMED PASHA C, ADVOCATE)

AND

STATE OF KARNATAKA
BY NELAMANGALA RURAL PS
NELAMANGALA
REPRESENTED BY SPP
HIGH COURT CAMPUS
BANGALORE – 560 001

...RESPONDENT

(By SRI K NAGESHWARAPPA, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF CR.P.C. PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.No.161/2017 OF NELAMANGALA RURAL P.S., BANGALORE DISTRICT FOR THE OFFENCE P/U/S 341, 307, 506 R/W 34 OF IPC.

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

ORDER

Heard petitioner's Counsel and High Court Government Pleader.

2. The petitioner is accused No.6 in Cr.No.161/2017 registered by Nelamangala Rural Police Station for the offences punishable under Sections 341, 307, 506 read with Section 34 of IPC.

3. The incident took place on 30.06.2017 at about 9.30 p.m. The petitioner herself made a report to the Police stating that she had been to Jayaprasad Hospital, on 30.06.2017 at 8.00 p.m., to take treatment for her illness. She took her husband also to the hospital. When they were returning to their village, at about 9.30 p.m., four persons came in two motorcycles and intercepted them on their way. They assaulted the husband of the petitioner with knife and choppers. As by that time, a car came on that side of the road, all the accused fled away from that place.

4. The Police held investigation and it revealed that there was illicit relationship between accused No.5 and the present petitioner and it was this petitioner, who hatched the entire plan to see that her husband is murdered.

5. Petitioner's Counsel submits that the allegation made against the petitioner about her having relationship with another accused is a matter to be proved before the Court. As of now, the investigation is completed. The petitioner is a woman and, therefore, she is entitled to be released on bail.

6. The High Court Government Pleader opposes grant of bail.

7. Having regard to the fact that the investigation is completed and the accused is a woman and that accused No.5 has been released on bail, this petitioner can also be released on bail. Hence, the following;

ORDER

The Petition is allowed.

The petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.1,00,000/- (Rupees one Lakh only) and providing two sureties for the likesum to the satisfaction of the trial Court subject to the following conditions:

- i) She shall appear before the trial Court regularly;
- ii) She shall not threaten the prosecution witnesses nor tamper with the prosecution evidence.

**Sd/-
JUDGE**

mv