

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29th DAY OF JUNE, 2018

BEFORE

THE HON'BLE MR. JUSTICE JOHN MICHAEL CUNHA

CRIMINAL PETITION NO.3695 OF 2018

BETWEEN:

SAYEEDA
W/O.ABDUL WAHEB
AGED ABOUT 25 YEARS
R/AT.ARAKERE VILLAGE
SHIMOGA TALUK

PRESENTLY R/AT. EDGA NAGAR
SULIBELE, SHIMOGA TALUK
SHIMOGA DISTRICT – 577 201.

...PETITIONER

(BY SRI SATEESH CHANDRA K.V., ADVOCATE)

AND:

STATE OF KARNATAKA
YESHWANTHAPUR POLICE STATION
BENGALURU
REPRESENTED BY
STATE PUBLIC PROSECUTOR
KARNATAKA HIGH COURT BUILDING
BANGALORE – 560 001.

...RESPONDENT

(BY SRI S.VISHWA MURTHY, HCGP)

THIS PETITION IS FILED UNDER SECTION 439 OF
CR.P.C. PRAYING TO ENLARGE THE PETITIONER ON BAIL

IN CR.NO.105/2017 (SPL.C.C.NO.464/2017) OF TUNGA NAGAR P.S., SHIVAMOGGA DISTRICT FOR THE OFFENCE P/U/S 302, 201 R/W.34 OF IPC.

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

ORDER

This petition is filed under Section 439 of Cr.P.C. for grant of bail in Crime No.105/2017. Investigation is completed and charge sheet is laid against accused Nos.1 and 2 under Sections 302 and 201 read with Section 34 of IPC.

2. Heard the learned counsel for the petitioner and learned HCGP.

3. Learned HCGP has not filed any statement of objections, but has orally opposed the petition.

4. The case of the prosecution is that accused No.1 had married the complainant – Sri.Abdul Wahab. She had begotten two children, the eldest one was aged about 5 years and younger daughter was aged about 3

years. About a month prior to the incident, accused No.1 along with accused No.2 started residing in Shivamogga. Accused No.1 took the youngest child with her to Shivamogga. On 15.9.2016, she came back to Shivamogga with the dead body of the child. Suspecting some foul play, the complainant / husband lodged a complaint to the police. Post mortem was conducted and it was ascertained that deceased – child had suffered antemortem injuries which were found to be the immediate cause for her death. Investigation was taken up and according to the prosecution the deceased-child was murdered by both accused Nos.1 and 2 by assaulting her with hands and to cover up the offence, accused No.1 concocted a story that the deceased was suffering from stomach pain and she met with natural death.

5. On perusal of the charge sheet papers, it is noticed that the prosecution has relied on the statements

of two eye witnesses i.e., CWs-14 and 15. Their statements are consistent with the post mortem report. The surrounding circumstances indicate that the deceased – child met with unnatural death, when she was in the company of accused Nos.1 and 2. These circumstances prima-facie make out the offences alleged against the petitioner.

6. Having regard to the seriousness of the charges and the manner in which the alleged offence has taken place, in my view, the petitioner is not entitled for bail. Hence, the petition is rejected.

Since both the accused persons are in custody, the trial Court is directed to expedite the trial by adhering to Section 309 of Cr.P.C.

**Sd/-
JUDGE**

VMB