

(2022) 10 KAR CK 0013
In the Karnataka High Court
Case No : Criminal Petition No. 7394 Of 2022

Sithara S & Others

APPELLANT

Vs

State Of Karnataka

RESPONDENT

Date of Decision : 18-10-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 114, 120B, 201, 302

Citation : (2022) 10 KAR CK 0013

Hon'ble Judges : H.P. Sandesh, J

Bench : Single Bench

Advocate : Lakshmikanth K, K.K. Krishna Kumar

Final Decision : Dismissed

Judgement

H.P. Sandesh, J

1. This petition is filed under Section 439 of Cr.P.C. seeking regular bail of the petitioners in Crime No.59/2021 of Hebbal Police Station, Mysuru, for the offence punishable under Sections 302, 201, 114, 120B read with 34 of IPC.
2. Heard the learned counsel for the petitioners and the learned High Court Government Pleader appearing for the respondent-State.
3. This Court earlier rejected the bail petition of petitioner No.2 vide order dated 24.05.2022 in CrI.P.No.4424/2022 on merits, wherein in paragraph No.6, this Court discussed in detail that wooden stick which was used by petitioner No.2 was recovered and also observed that there were seven external injuries and cause of death is due to head injury sustained with history of tying plastic cover to the face and neck of the victim. This Court in paragraph No.7 rejected the contention of the petitioner that the petitioner is a woman and is having a small child in coming to the conclusion that when a serious offence of murder of grandmother is committed by the petitioner, it is not a case for granting bail.

4. Now, petitioner No.2 has again approached this Court and there are no any changed circumstances except accused No.1 has joined along with petitioner No.2 in this bail petition. With regard to petitioner No.1 is concerned, she is one of the granddaughter of the victim and in column No.17 of the charge-sheet, specific accusation is made against petitioner No.1 similar to the one which this Court has already rejected the bail petition of petitioner No.2.

5. The learned counsel for the petitioners submits that accused Nos.3 and 4 have been granted bail. The case against accused Nos.3 and 4 is that they have abated the offence instigating these two petitioners and conspired with these two petitioners. The granting of bail in favour of accused Nos.3 and 4 is not a ground to enlarge these two petitioners on bail since these two petitioners have indulged in committing the murder of grandmother by using the wooden stick and plastic cover was used for tying the neck and also on the face of the deceased. The post mortem report also confirms the allegations made against these petitioners. When such being the case, it is not a fit case to exercise the discretion in favour of petitioner No.1.

6. Petitioner No.2 has not made out any changed circumstances to grant bail.

7. In view of the discussions made above, I pass the following:

ORDER

The petition is rejected.