

KABR010013502026



**IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS
JUDGE, BENGALURU RURAL DISTRICT, BENGALURU.**

Dated this the 01st day of April, 2026.

PRESENT:

Smt. B.S. Rekha, B.A.(Law), LL.M.,
Principal District & Sessions Judge,
Bengaluru Rural District,
Bengaluru.

Crl.Misc.No.521/2026

Petitioner : Sharanamma,
W/o Suresh,
Aged about 28 years,
R/at annapoorneshwari Layout,
Near Sallapuradamma Temple,
Andrahalli,
Magadi Main Road,
Tigalarapalya,
Bengaluru.

Represented by Sri Harsha S- Advocate.

V/s.

Respondent : State of Karnataka by
Byadarahalli Police Station.

Represented by learned Public Prosecutor.

ORDER

The learned counsel for petitioner has filed this petition U/S.483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter called as BNSS, 2023 for convenience) praying for release of petitioner on regular bail in C.C.No.831/2026 arising out of Crime No.584/2025 (Old Crime No.981/2025) of Byadarahalli Police Station, Rural District, Bengaluru for the offences punishable under S.103(1), 238, 61(2) r/w S.3(5) of Bharatiya Nyaya Sanhita, 2023 (hereinafter called as BNS, 2023 for convenience) pending on the file of CJM, Bengaluru Rural District, Bengaluru.

2. The facts of complaint are narrated in detail in the bail petition. It is further stated in the bail petition that petitioner who is the wife of deceased is innocent and she has two children namely Nagaraja, aged about 6 years and Shivani, aged about 4 years. The final report is produced by the IO on 24.02.2026 and hence her

custody is not required. She was arrested on 29.11.2025 and she is in jail for almost 4 months. If she is not released on bail, she will be put to mental agony. She is the sole bread earner of the family. She undertakes to abide by any terms and conditions that may be imposed by this Court and also is ready to furnish surety. Hence, prayed for allowing the petition.

3. The Learned Public Prosecutor has filed objections to the petition and contended that the accused has committed an offense U/S.103 of the BNS 2023, which is a non-bailable in nature and triable by the Court of Sessions. For the said offense, the punishment of death or life imprisonment and a fine may be imposed and therefore, the accused cannot be released on bail. Just because charge-sheet has been submitted to the court, it does not mean the accused should be released on bail. On the contrary, there are 30 witnesses in this case and the prosecution has

ample opportunity to prove the guilt of the accused by conducting a speedy trial of their testimonies. The case is currently at the stage of being committed to the trial Court; at this stage, if the petitioner is released on bail, there is every possibility that she may threaten the witnesses or abscond out of fear of being punished and it would cause significant hurdles in continuing the proceedings of this case. Hence, prayed for rejection of bail petition.

4. Heard arguments.

5. From the above facts, the points that arise for consideration are:-

1. *Whether the petitioner is entitled for regular bail?*
2. *What order?*

6. Findings of this Court on the above points are as under:-

Point No.1: ***In Negative;***

Point No.2: As per final order for the following:-

REASONS

7. **Point No.1**:- The Police Inspector, Byadarahalli police station has filed charge-sheet against the accused alleging the offences punishable under Ss.103(1), 238, 61(2) r/w 3(5) of BNS, 2023.

8.1. The case of prosecution is that petitioner is the wife of the deceased and they resided in a shed at Site No. 136, Muneshwara Temple Road, 13th Cross, 1st Main, Tigalarapalya, within the jurisdiction of the Byadarahalli Police Station, Bangalore. The deceased worked as a centering mason, while petitioner worked as a manual laborer (coolie) for slab-laying work. While working there, she became acquainted with accused No. 2 and their relationship turned into an illicit physical affair, often meeting at her home when no one else was present. To facilitate their communication, accused No.2 had given the petitioner a mobile phone with the SIM

card number 8147636136. On one occasion, the deceased caught accused No.2 sitting with the petitioner in his house and had a quarrel with him; subsequently, he would often come home intoxicated and create a ruckus over this issue.

8.2. The petitioner conspired with accused No.2, believing that if her husband was "finished off" she could live happily with accused No.2. On 22.11.2025, petitioner called accused No.2's mobile and told him: "*I will call you tonight once my husband is asleep. Come near the house then. Let's finish off Suresh (the deceased). Afterward, take the body somewhere and burn it.*" On the same night, at about 8:00 p.m, after the deceased returned from work and went to sleep in an intoxicated state, petitioner called accused No.2 and told him that her husband was asleep and to come over; accused No.2 then met accused No. 3 and informed him of the plan, and accused No.3 agreed to join. The

accused No.2 and accused No.3 came in a white Hyundai Varna car bearing Reg. No. KA-03-MG-7991 and en route, they filled petrol at an HP petrol bunk and also purchased diesel separately in a plastic bottle and also purchased a plastic rope from a store in front of the petrol bunk and then arrived near the deceased's house and informed petitioner via mobile; then petitioner came out, met accused No.2 and 3 and explained the situation. Between 10:00-10:30 p.m., with the common intention of committing murder, they entered the compound and accused No.2 and 3 each took a size stone (building stone) found in the compound and entered the house; when the petitioner showed them her sleeping husband, accused No.2 first dropped the stone he brought onto the victim's head followed by accused No.3 onto the victim's body; as the victim was struggling, the petitioner remarked that he was not yet dead and they then used the plastic rope they had brought and

tied it around the victim's neck and strangled him to death.

8.3. Afterward, the accused wrapped the body in plastic bags and tied it with rope and that the petitioner and other accused carried the body outside and loaded it into the same Hyundai Varna car and drove to an open land at Survey No. 44 of Gangonandanahalli Village, within the Madanayakanahalli Police Station limits where they poured diesel on the body and set it on fire to destroy the evidence and prevent identification. They also disposed of the victim's mobile phone and the clothes worn by accused No.2 & 3 during the crime into the trash to destroy evidence.

8.4. Thereafter, the petitioner had come to the Byadarahalli police station on 26.11.2025 at about 12.20 p.m., and lodged a missing complaint of her husband and it was registered in Crime No.549/2025. The petitioner despite being married to the deceased, had an

illegal and immoral relationship with accused No. 2 and when the deceased learned of this and started quarreling over the matter, the petitioner and accused No.2 conspired and committed murder of the deceased and set it on fire to destroy the identity and eliminate any evidence and thereby the petitioner along with other accused has committed the aforesaid offences.

9. The aforesaid facts alleged in the complaint *prima-facie* reveals the offences punishable U/S.103(1), 238, 61(2) R/W s.3(5) of BNS, 2023 against petitioner/accused and other accused. The maximum punishment for the said offence is death or imprisonment for life and shall also be liable to fine and is non-bailable in nature and triable by the court of Sessions.

10. According to the case of prosecution, she had illicit relationship with the accused No.2 and when the husband of the petitioner was picking up quarrels in

respect of the same, she conspired with the accused No.2 & 3 committed the murder of her husband and set the body of her husband on fire to destroy the identity and eliminate any evidence. The case is mainly based upon circumstantial evidence. Hence, recording evidence of material witnesses is very important. Moreover, the offences alleged against the petitioner is heinous in nature and now, at present, the bail petition filed by the petitioner cannot be considered.

11. Under these circumstances, the apprehension of learned PP that if accused is released on bail before investigation and before completion of the evidence of material witnesses, there is every chance of he threatening and tampering the witnesses cannot be ruled out at this juncture.

12. Even though the 'bail is the rule and jail is an exception', in the case of present nature where the alleged offences are heinous in nature and affects the

society at large; when the learned PP expressed apprehension of abscondence of petitioner, tampering and threatening prosecution witnesses, this Court holds that petitioner is not entitled for bail at this stage. Accordingly, Point No.1 is answered in **Negative**.

13. **Point No.2:-** In view of findings on point No.1, this Court proceeds to pass the following:-

ORDER

The bail petition filed by the petitioner under Section 483 of BNSS, 2023 is hereby **dismissed**.

(Dictated to the Stenographer Grade-I, transcribed and typed by him, corrected, print out taken, signed and pronounced by me in the open Court on this the 01st day of April, 2026).

(B.S. Rekha)

Prl. District & Sessions Judge,
Bengaluru Rural District,
Bengaluru.