

KAKL010021592023



**IN THE COURT OF II ADDITIONAL DISTRICT AND  
SESSIONS JUDGE AT KOLAR**

DATED 29<sup>th</sup> DAY OF SEPTEMBER 2023

PRESENT

**Sri. H. DEVARAJU**, B.A., LL.B.,  
II Additional District & Sessions Judge,  
Kolar.

**S.C. 125/2023**

**COMPLAINANT :**     **State of Karnataka,**  
R/by Police Inspector,  
Srinivasapura Police Station,  
Kolar District.

(R/by **Smt. Nirmala**,  
Public Prosecutor)

V/S

**ACCUSED :**

- 1. V. Ramesh,**  
S/o Venkataswamy,  
Aged about 42 years,
- 2. C.R. Venkataswamy @ Venkatashami,**  
S/o Late Ramanna,  
Aged about 70 years,  
Both are r/at Chiruvanahalli Village,  
Srinivasapura Taluk.

(R/by **Sri. K.V. Shankarappa**  
- Advocate)

### **ORDERS ON BAIL APPLICATION**

Accused No.1 has filed this bail application under Section 439 Cr.P.C. through his counsel seeking release him on bail in this case for the offences punishable under Sections 120B, 302 and 201 read with Section 34 of I.P.C.

**2)** In the bail application it is contended that the complainant police have falsely implicated him and he is in judicial custody since 12.03.2023. The accused No.2 was granted bail as per the orders dated 30.03.2023 passed in Crl. Misc No.231/2023. The complainant police after completion of investigation filed charge sheet against the accused Nos.1 and 2 for the said offences and hence he is not required for further investigation. It is further contended that he is the permanent resident of Chiruvanahalli Village, Srinivasapura Taluk and he is agriculturist owning landed properties and he had no affairs with deceased Shobha. In spite of that at the instance of the persons who are enimically disposed towards him, had instigated the complainant police to implicate him in the alleged crime though he is neither directly nor indirectly responsible for the death of deceased.

**3)** It is further contended that Chiruvanahalli Village is a fictitious village, there are political rival groups in the said village, the member of rival groups has hostility towards him and due to the said hostility they prevailed on the complainant police to implicate him by creating false mahazars, voluntary statements. It

is further contended that the complainant police have falsely recorded his voluntary statement though he had not confessed his alleged guilt as per the voluntary statement. The entire case rests on circumstantial evidence, on which the complainant police have not disclosed his role with respect to death of Shobha. Further it is contended that, he will be abide by any of the conditions that may be imposed by this court. Accordingly, he sought to grant regular bail.

**4)** The learned Public Prosecutor has filed statement of objection by contending that the alleged offences are heinous in nature and punishable with death or life imprisonment and with fine. The Investigating Officer registered case on the basis of complaint lodged by the complainant and on completion of investigation filed charge sheet against the accused. The Investigation Officer had visited the spot of incident and drawn mahazar and recovered blood sample of deceased and also recorded the voluntary statement of accused and had also recorded the statements of witnesses. From all these materials, prima facie it reveals that the accused No.1 and 2 have committed the said offences. At this stage, if the accused No.1 is granted regular bail, being politically and financially powerful, there are every chances of absconding, tampering the prosecution witnesses and threatening the complainant and evading the trial. Thus she has sought for rejection of bail application.

**5)** In furtherance of relief sought by the accused, the point that arise for my consideration is:-:

**Whether the Accused No.1 has made out grounds for admitting him to bail?**

**6)** I have heard the arguments of defence counsel Sri. K.V.S for accused and the learned Public Prosecutor appearing for State.

**7)** On consideration of the facts and circumstances of this case under available materials and proposition of law, I answered above point in the **Negative** for the following:

**REASONS**

**8) POINT NO.1 :-** On perusal of the records, it reveals that the criminal law was set into motion on the basis of missing complaint lodged by Venkatarama husband of deceased Shobha and another complainant Sri. Ambarish the brother of deceased. In the complaint of Ambarish it is averred that deceased Shobha was given in a marriage to one Venkataramana and out of their wedlock two issues were born and they are Vishnu Yadav and Lakshmi Priya. It is further contended that the husband of deceased had married with another lady and as such deceased and her children were staying in a room belonged to him. It is further contended that later the deceased Shobha fell in love with one Venkatarama of Hanumanthapura Village, Kolar taluk and they lived together in a rented house at Srinivasapur and the said Venkatarama had married with Ashwini and lived at Hanumanthapura. The said Venkatarama is working in Jalappa

Hospital and used to visit the house of Shobha to enquire about the welfare of her children and the deceased Shobha started to run beauty parlor at Srinivasapura. It is further contended that on 05-03-2023 his sister i.e., deceased had attended the marriage of her relatives at Peddappalli and on the next day i.e., on 06.03.2023 she returned to Srinivasapura and took her daughter to the school, but later she did not return to the house and thereafter the complainant Venkataram lodged missing complaint before the Police Station. It is further contended that later he came to know that one dead body in burnt condition found near Thondala eucalyptus grove and he suspected that the said dead body belongs to his sister Shobha and hence again he lodged complaint to the police. On the basis of this complaint, FIR came to be registered against the unknown person and the Investigation Officer after completion of investigation filed charge sheet against the accused Nos.1 and 2 for the offences punishable under Sections 120(B), 302 and 201 read with 34 of IPC.

**9)** The case of the prosecution is that the accused No.1 took CW-25 to the Beauty Parlor of deceased, where they contacted each other and they developed illicit relationship and the accused No.1 agreed to look after the welfare of her and her children and accordingly the accused No.1 used to give money to the deceased on every month and he used to provide basic amenities to her house. In the meanwhile the deceased started to go with CW-33 and in this regard there were quarrels between them and hence the deceased promised not to go with CW-33, but then also the

deceased started to go with CW-33. It is further alleged that in order to purchase clothes to the children on account of Ganesha Festival, the accused No.1 visited the shop of CW-42, where he had seen the deceased along with CW-33 and for that he got upset and then also the deceased used to harass the accused No.1 for money and she had also blockmailed him that if he will not give money she will send the video to his wife regarding sleeping of him with deceased. It is further alleged that one day the accused No.1 by standing near Byreddy School, he watched the CW-33 standing near the Beauty Parlor of deceased and at that time CW-33 went from the said place in his two wheeler by touching him. It is further alleged that for all these circumstances, the accused No.1 decided to commit murder of said Shobha and hence on 05.03.2023 on Sunday he called the deceased over phone and then also she demanded for mobile phone of Rs.30,000/- and thus he called her to the Garden house. It is further alleged that in order to commit murder, the accused No.1 brought the knife from the house of his grandmother at Avalakuppa Village and kept the same in the shed situated at the Garden and on 06.03.2023 at about 8.30 a.m. the accused No.1 called the deceased over phone and then the accused No.1 had been to the Avalakuppa Garden in his two wheeler vehicle bearing Reg.No.KA-07/R-4101 and after returning from her village, the deceased at about 10.45 a.m. called accused No.1 over phone and he called her to come near the garden. It is further alleged that the deceased after telling her son CW-4 that she has to go to Avalakuppa Garden as the accused

No.1 will give the money and accordingly on the same day at about 11.00 a.m. the deceased in a vehicle went to the said garden, where the accused No.1 made the deceased to sit in a chair and stated regarding committing of her murder as she is always blackmailing him for money and she is going with others by cheating him. It is further alleged that the accused No.1 by using the vale of deceased strangled her neck. By that time the deceased in order to escape had assaulted him with her hands and also bitten him. It is further alleged that the accused No.1 by taking the knife had stabbed her neck by holding her mouth and nose and committed her murder and by packing the dead body with the cover kept in the shed, he took the neck chain from her and also disclosed her blood stained clothes and kept the same and knife in the shed and then he took the two wheeler of the deceased and parked the same in the mango grove of one Venkatareddy and then he went to the house of CW-46 and 47 in his two wheeler and revealed them about the murder and requested to help him, but they refused and hence the accused No.1 keeping the gold chain in the tool box of his two wheeler bearing Reg.No.KA-07/R-4101 had been to the house of his uncle and parked his two wheeler there and then requested the accused No.2 to burn the dead body and hence both accused Nos.1 and 2 on the same day night had been to the Srinivasapura Town in a Car bearing Reg.No.KA-40/M-0519 and filled the air to the tyres at the shop of CW-40 and filled the petrol in the Petrol Bunk of CW-41 for Rs.800 and also purchased petrol in a can for Rs.200/- and then

went to the said shed, where they shifted the dead body into the Car and then went near the land of CW-8 and there by pouring the said petrol along with dry leaves, set fire to the dead body along with blood stained clothes and her bag and in order to screen the evidence, they washed the car and then left the car at Chunchadenahalli Village.

**10)** As it is revealed from the contents of the charge sheet, though the FIR was registered against unknown person, but the F.I.S is containing the clues of illegal relationship of the accused No.1 with the deceased Shobha and thereafter it is revealing the illegal connections of Shobha with others and on that basis accused No.1 is found apprehended and subjected him for enquiry, wherein his voluntary statement is revealing his confession to show the place of dead body, finally screened. In this regard the charge sheet is containing the mahazars and seizure mahazars of the incriminating articles said to be done in the presence of the witnesses. As it is reported in the charge sheet, the deceased Shobha was brutally killed and burnt which itself is not due to any other causes except the efforts and involvement of the human beings. Regarding the charges of murder levelled against accused No.1 is the prime person who is said to be committed the murder of Shobha and screened the same with the assistance of the accused No.2. For all these events the charge sheet is containing the recovery mahazars and spot mahazars which are to be proved by the prosecution through the cited witnesses. So far as release of the accused No.2 is concerned as argued by the defence



counsel it is only happened that he was implicated on the basis of the voluntary statement of the accused No.1 and as per the findings of the Hon'ble High Courts and Hon'ble Supreme Courts in the several decisions that the voluntary statement which is basically weak piece of evidence, the accused No.2 was granted regular bail. Therefore, the Court cannot apply the ground of parity as pleaded and argued by the defence counsel while dealing with the bail application against accused No.1 of this case. Under these circumstances looking to the entire materials on hand, prima facie there are sufficient materials indicating the possibilities of commission of murder by the accused No.1 for which I feel that it is not safe to grant bail to accused No.1 unless the material witnesses are examined. Therefore, the apprehensions of the learned Public Prosecutor cannot be over ruled. Under the facts and circumstances of this case, I am of the concluded opinion that the accused No.1 being the main person of the incident is released on bail, there may be every chances of tampering and threatening the prosecution witnesses. As such the arguments addressed by the defence counsel holds no good and I do not find any other grounds entitling him to grant regular bail. Therefore, the bail application is deserved to be rejected. Hence, this point for consideration is answered in the **Negative** and proceed to pass the following:-

**ORDER**

**The bail application filed by the accused  
No.1 under Section 439 Cr.P.C., is  
dismissed.**

(Dictated to the stenographer on computer, typed by him, revised,  
corrected and then pronounced by me in the open Court on this the  
**29<sup>th</sup> day of September 2023.**)

Sd/-

**(H. DEVARAJU)**

II Addl. District & Sessions Judge,  
Kolar.