



**IN THE COURT OF THE II ADDITIONAL DISTRICT
AND SESSIONS JUDGE, MYSURU**

Dated this the **29th day of August, 2025**

:: PRESENT ::

Sri Mallanagouda, B.Com., LL.M.,
II Addl. District & Sessions Judge,
Mysuru.

SC/169/2025

Complainant:

The State by Krishnaraja
Police Station,
Mysuru.

(By Public Prosecutor)
V/s

Accused No.2 :

Smt. Shabreen Taj,
W/o. Late Mohammed Shafi
Aged about 36 years,
R/at. 9th Cross,
Sunnadakeri,
K.R. Mohalla,
Mysuru.

(By : Smt.R.V.R – Adv.)

**:: ORDERS OF BAIL APPLICATION FILED
BY ACCUSED NO.2 ::**

This is the case in which police Inspector of
K.R.Police Station has filed charge sheet against the

accused No.1 and 2 for the offence punishable under Section 103 R/W 3(5) of BNS.,

2. As per the charge sheet the prosecution has contended that, deceased namely Mohammad Siraj Siraz has married accused No.2 Shabreen Taj about 16 years back, after marriage, they started residing separately. In the meanwhile accused No.2 came in contact with accused No.1 while traveling in his auto and they developed illicit relationship due to which husband of accused No.2 who is the deceased was quarreling with accused No.2 and when accused No.2 informed accused No.1 he used to quarrel with deceased and giving threat to his life. Thereafter, accused No.1 and 2 have hatched a plan to eliminate deceased, on 16.04.2025 as deceased was in the house and accused No.2 informed accused No.1 about her husband scolding her, on that day as per the plan accused No.1 dropped accused No.2 to his house and later on he went to the house of deceased raised quarrel with him and committed his murder by strangulating him with cable wire. Later on when he informed accused No.2 about committing murder accused No.2 tried to take dead body of her husband to hospital telling that she wants take him for treatment. Therefore, accused No.1 and 2 have committed offence punishable under Section 103 R/W 3(5) of BNS.,

3. Now, the accused No.2 has filed the present bail application seeking bail in which she has contended as under:-

The accused No.2 is innocent and law abiding citizen, she has not committed any of the offences. She has been falsely implicated in the present case. The accused No.2 is the permanent resident of Mysuru City. She has got many number of relatives and friends in the Mysuru, she is deep rooted in the society. Hence, there is no question of fleeing away from jurisdiction of this Court. The accused No.2 hails from respectable family, she is not having any criminal antecedents, she has got 12 years aged daughter who is studying in 7th standard. She requires love and care of her mother, hence further detention of the accused No.2 would cause hardship to her daughter also.

4. There is no prima-facie material against the accused No.2 in the complaint and in the FIR, there is no overt act attributed against the accused No.2 in committing the alleged crime. Already charge sheet is filed and there is no need of keeping the accused No.2 in custody. There is every possibility of taking long time to conclude the trial. Accused No.2 is in judicial custody since from 18.04.2025, she is ready to furnish sufficient surety and to abide by the conditions that may be imposed by the Court while releasing her on

bail. The accused No.2 undertakes not to tamper the prosecution witnesses and not to jump the bail. Hence, the accused No.2 requested for releasing her on bail.

5. To this Application, the learned Public Prosecutor has filed objections stating that there is prima-facie materials to show that the accused No.2 and accused No.1 have committed the offences U/Sec.103, 3(5) of BNS, 2023. The offence alleged against the accused No.2 is non bailable and punishable with life imprisonment or death sentence. If the accused No.2 is released her on bail, there is every possibility of tampering the prosecution witnesses and absconding from the jurisdiction of the Court. Therefore, it is necessary to reject the bail application.

6. Heard. Perused the entire record.

7. The only point that arises for my consideration is;

(1) Whether the accused No.2 has made out sufficient grounds for grant of bail ?

(2) What Order?

8. My findings on the above points are as hereunder;

Point No.1: **In the Affirmative**

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

:: REASONS ::

9. **POINT No.1:-** During arguments the learned Counsel for the accused No.2 has argued stating that there is no prima-facie evidence to show that the accused No.2 has committed the offence alleged against her. There is no overtact alleged against the accused No.2. The accused No.2 is a woman having 12 years old daughter. Hence, the accused No.2 is looking after her daughter, except accused No.2 there is no other person to look after her daughter. The accused No.2 is ready to abide by the conditions that may be imposed by the Court and furnish sufficient surety. Therefore, it is necessary to release the accused No.2 on bail.

10. In support of his argument counsel for accused No.2 has relied upon the following judgment

Order of Hon'ble High Court of Karnataka
in Crl.P.No.2306/2022 dated 12.05.2022,
Nethra V/s State of Karnataka.

11. On the other hand, the learned Public Prosecutor has argued stating that there is prima-facie

material to show that the accused No.2 has committed the offences alleged against her. The offences alleged against the accused No.2 are very serious offences punishable with imprisonment for life or death sentence. Therefore, in case if the accused No.2 is released on bail at this juncture there is every possibility to destroying the evidence. Therefore, it is not proper to release the accused No.2 on bail.

12. On perusal of the material on record and submissions made by the Counsel for accused No.2 and learned Public Prosecutor, it appears to me that the accused No.2 is woman and having a daughter who is allegedly depending on her, though the offence alleged against the accused No.2 is under Sec.103 of BNS as per the prosecution itself accused No.2 has not taken active role in committing murder of deceased, already investigation is completed and entire prosecution case is depending up on the circumstantial evidence. Further as there are 45 witnesses cited in the charge sheet there is possibility of taking more time to completing the trial. Therefore, by considering all the aspects it appears that, it is proper and necessary to release accused No.2 on bail by imposing stringent conditions. Hence, I answer **Point No.1** in the **Affirmative**.

13. **POINT No.2:-** In the result, I proceed to pass the following;

ORDER

The Bail application filed by the accused No.2 U/Sec.483 of BNSS, is allowed.

The accused No.2 is ordered to be released on bail on executing personal bond for Rs.1,00,000/- and two sureties for likesum with following conditions ;

1. Accused No.2 shall not indulge in tampering prosecution witnesses.
2. Accused No.2 shall appear before this court on all the dates, unless exempted by this court for genuine reasons.
3. Accused No.2 shall not leave jurisdiction of this court till completion of the trail without prior permission of the court.

[Dictated to the Stenographer, directly on computer, corrected and then pronounced by me in the open Court on this the **29th day of August, 2025**].

(MALLANAGOUDA)

II Addl. District & Sessions Judge,
Mysuru.