

**IN THE COURT OF THE XXVI ADDL. CITY CIVIL &
SESSIONS JUDGE, AT MAYO HALL, BENGALURU
(CCH.20)**

Present:

Sri.D.S.Vijaya Kumar, B.Sc, LL.B.,
XXVI Addl. City Civil & Sessions Judge, Bangalore.

Dated this the 26th day of February, 2020.

Crl.Misc.No.25136/2020

Petitioner:- Arpitha.A.V.
W/o Venkatesh.C.H.,
Aged about 22 years,
R/a Singre Gowda Rent House, 1st
Floor, Shakambari Nilaya, 5th
Cross, Pillakamma Temple Road,
Aurthahalli, Bangalore.

[By Sri.K.R.M-Advocate]

Vs.

Respondent:- State by Mahadevapura Police
Station, Bengaluru City

[By Public prosecutor]

O R D E R

Petitioner has filed this bail petition under
section-439 of the Cr.P.C., praying for granting an

order of Regular bail in respect of the offences alleged u/s.302,397, 450 r/w.Sec.34 of the Indian Penal Code, in Crime No.497/2019 of the Respondent-Mahadevapura Police Station, Bengaluru, now charge sheeted in C.C.No.51040/2020 on the file of 29th A.C.M.M., Bangalore.

2. Brief facts of the bail petition are as under:-

The respondent Police have falsely implicated her in the case. She is totally innocent of the offences alleged against her. There is inordinate delay in lodging the complaint. She is in judicial custody. Offences are not punishable with imprisonment for life or death. Her name has not been mentioned in the FIR and it creates doubt in identity of the petitioner in the case. She has valid and tenable defence. She has not committed any offences as alleged. Now, charge sheet is filed and her presence

is not required for any further investigation. She is ready to offer solvent sureties and abide by any conditions. Thus, the petitioner has sought for enlarging her on bail.

3. Objection filed by the prosecution to the above petition are as under:-

The Respondent Police have registered a case in Crime No.497/2019 for the offences u/s.302 & 397 of Indian Penal Code against the Accused persons. Investigation is completed and charge sheet is filed. Petitioner has committed the above offences. If the petitioner is released on bail, she may abscond permanently and also commit similar offences and abscond from trial. The Offences are punishable with death or imprisonment for life. Prosecution has relied upon the decision reported in ILR 1991 Crl.L.J. 3205

and ILR 1991 Crl.L.J. 1298. Hence, on these grounds, learned Public Prosecutor has sought for rejection of the bail petition.

4. Heard arguments and also perused the records.

5. In the circumstances, the following points arise for determination are:

1. Whether petitioner is entitled to an order of Regular Bail, as sought for?

2. What order?

6. My findings to the above points are under:

Point No.1 :- In the **negative**

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

R E A S O N S

7. Point No.1:- Petitioner has not produced entire charge sheet papers. But, on perusal of the records available, as per the charge sheet allegations, on 16.10.2019 deceased Chandregowda came to the shop of the complainant along with a child and brought biscuits. On asking about the said child, deceased told that the child is of his relatives. At about 9.30 Pm on the same day one lady was feeding the said child in front of the building. On 17.10.2010 in the morning as usual complainant opened his shop and at about 10 AM he noticed the water is flowing from the building to road and he wanted to tell the deceased about closing the water tap and at that time he tried to knock the door of the house of the deceased and called him, but there was no reply from the house. So he had been to the kitchen and peeped

through the window and saw the legs of deceased was stretching on the floor and he had been to bed room and peeped through the window and came to know that the door of the almirah in the bed room was opened and clothes and other items from the almirah was thrown. So he reported to the police and police came to the spot and opened the door and saw the deceased fallen on the floor with bleeding injuries to his head and he died and his wife Smt. Lakshamma was also died with same situation. Hence Respondent Police have registered the case and started investigation and after completion charge sheet is filed against the accused person. Petitioner is arrayed as Accused No.2 in the charge sheet filed for the offences u/ss.302, 397, 450 read with Sec.34 of the IPC.

8. Petitioner contends that she is totally innocent of the alleged offences and she has valid and tenable defence. She has not committed any offences. She is ready to offer solvent sureties and abide by any conditions and there are no overtacts attributed against her. Thus, the petitioner has sought for enlarging her on bail.

9. The prosecution has filed objections to the above petition reiterating the FIR allegations, besides contending that the petitioner has committed the alleged offences and if she is released on bail, she may abscond permanently and also commit similar offences and abscond from trial. The Offences are punishable with death or imprisonment for life.

10. I have perused the records and considered the arguments.

11. As can be found from the prosecution records the deceased Chandregowda and his wife have been murdered by assaulting with a wheel spanner on their heads. As per the remand application and voluntary statement of the 2nd Accused/Petitioner, she has committed the murder along with her husband who is Accused No.1. Petitioner has sold part of the stolen/robbed jewels. It shows that Accused Nos.1 and 2 had gone to the house of deceased Chandregowda and his wife with a child and had conspired to commit murder and robbery and took away cash of Rs.9,500/- and jewels belonging to deceased and sold same for Rs.8,67,000/-. Therefore, there is prima facie material against the petitioner about her causing death of the deceased persons along with Accused No.1. Offence u/s.302 of Indian Penal Code is punishable with imprisonment for life or death. The properties have

been recovered from the petitioner. If the petitioner is enlarged on bail, possibility of the petitioner destroying the prosecution evidence and fleeing away from justice, cannot be overlooked.

12. Having regard to the above said circumstances and murder of two persons and gravity of the offences alleged, I am of opinion that, it is not a fit case to release the petitioner/Accused No.2 on bail. Consequently, point no.1 is answered **in the negative.**

13. Point No.2: On the above findings, I proceed to pass the following:-

ORDER

The petition filed by the petitioner under Sec.439 of the Cr.P.C **is hereby dismissed.**

--

(Dictated to the Stenographer, transcribed by him and computerized and then corrected and pronounced by me in the open court on this the **26th day of February, 2020**)

--

(D.S.VIJAYA KUMAR)

XXVI Addl.CC & SJ, Mayo Hall Unit
Bengaluru.

