



**IN THE COURT OF THE II ADDL. DISTRICT & SESSIONS
JUDGE, UTTARA KANNADA, KARWAR**

DATED THIS THE 18th DAY OF JUNE, 2025

SPECIAL CASE NO.35/2025

PRESENT: **Sri MAYANNA. B. L.,**
B.A., LL.B.,
II Addl. District & Sessions Judge,
Uttara Kannada, Karwar.

COMPLAINANTS:

1. The State of Karnataka
Sirsi Town Police Station
Rep. by Public Prosecutor,
Uttara Kannada, Karwar.
2. The PSI
Sirsi Town Police Station
Rep. by Public Prosecutor,
Uttara Kannada, Karwar.

Vs.

ACCUSED NO.2: Puja W/o Gangadhar M.
Age: 30 years,
Occ: Household work,
R/o: Hosante. Post: Neechadi,
Tq: Sagar, Dist: Shivamogga.

(By DCLADC)

ORDER

The Accused No.2 has filed the bail Application under Section 483 of BNS., seeking regular bail for the offences punishable under Section 103, 54 R/w 34 of BNS and

Sections 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. The Accused No.2 has contended that she is innocent and has not committed any offence as alleged in the charge sheet. She will not plead guilty and she claim to be tried. The Accused No.2 is in judicial custody since from many days. Simply detaining the Accused No.2 in the jail will cause much hardship to the Accused No.2 and will curtail her personal liberty. If the bail application is allowed, no hardship or prejudice will be caused to the Prosecution and on the contrary, if it is not allowed, much hardship and prejudice will be caused to the Accused No.2. If the Accused No.2 is not released on bail, her family will be put to great hardship and losses. She undertakes that she will remain present as and when required by the Court and she is ready to furnish proper surety and ready to abide by the terms and conditions that may be imposed by this Court. Hence, prayed to allow the bail Application and grant the bail.

3. As per the charge sheet material, the Accused No.2 is also belongs to Hindu Chalawadi, which comes under the Schedule Caste and hence, the offence under the SC and ST Act will not be applicable against the Accused No.2. Therefore, this Court has not issued notice to defendant of the Victim.

4. The learned Public Prosecutor has filed objections contending that the bail Application filed by the Accused No.2 is contrary to law and hence, same is liable to be dismissed.

It is contended in the objection that the Complainant is a Driver of KSRTS Bus bearing No.KA-31/F-1711 and on 22/02/2025 at 16:00 hours, the Bus came to Sirsi New Bus Stand and thereafter it was proceeding to Sirsi Old Bus Stand. In the said Bus the Victim and his wife, who is the Accused No.2 were also traveling. When the Bus reached near Government Hospital at 20:10 hours, the Accused No.1, who was in the same Bus, assaulted the Victim, who was sitting beside to him in seat No.26 and also stabbed him for 3 to 4 times with knife and killed him. Thereafter the Police have arrested the Accused No.1 and he revealed that, he had love affair with the wife of the victim prior to her marriage and she has instigated the Accused No.1 to kill her husband and also she has given information about their travel history to the Accused No.1. Accordingly, the Accused No.1 has killed the Victim by stabbing with knife in the said Bus. As such, both the Accused persons have committed the alleged offence and the same is heinous offence and serious in nature. The Police have seized the mobiles phones of the Accused persons and same were sent for FSL. However, FSL report not yet received. Further, If the Accused No.2 is released on bail, then there is chance of abscondence, she may threaten the Complainant and witnesses and also she may tamper the evidence. On these grounds, the learned Public Prosecutor sought for rejection of the bail Application.

5. Heard the arguments of the learned counsel for the Accused No.2 and learned Public Prosecutor.

6. The Points that arise for consideration of the Court are as under:

1. Whether the bail Application filed by the Accused No.2 under Section 483 of BNS deserves to be allowed ?
2. What Order ?

7. The findings of the Court on the above points are as under:

Point No.1: In the Negative.

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

REASONS

8. **Point No.1:-** Perused the bail Application, objections filed by the Complainant and, P.P., and also perused the charge sheet material. From the perusal of the charge sheet material, the Sirsi Town Police have filed the charge sheet against the Accused Person for the offences punishable under Section 103, 54 R/w 3(5) of BNS and Sections 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. The allegation that the Complainant is a Driver of KSRTS Bus bearing No.KA-31/F-1711 and on 22/02/2025 at 16:00 hours, the Bus came to Sirsi New Bus Stand and thereafter it was proceeding to Sirsi Old Bus Stand. In the said Bus the Victim and his wife, who is the Accused No.2 were also traveling. When the Bus reached near Government Hospital at 20:10 hours, the Accused No.1, who

was in the same Bus, assaulted the Victim on his stomach and also punched on his chest, who was sitting beside to him in seat No.26 and also stabbed him for 3 to 4 times with knife and killed him. Thereafter, on 23/02/2025 the Police have arrested the Accused No.1 and recorded his statement. During the said statement, the Accused No.1 has revealed that, he had love affair with the wife of the victim prior to her marriage and even after marriage, both were talking over phone and she has instigated him to kill her husband and in this regard she has given complete information about their traveling history to the Accused No.1. Accordingly, the Accused No.1 has boarded the very same bus and killed the Victim by stabbing with knife. Hence, the Complainant has filed the Complaint before the Sirsi Town PS against the Accused Person for the above said offences and accordingly FIR came to be registered. Pursuant registration of FIR, the Police have arrested the Accused persons and they are in judicial custody from the date of arrest. Now the Police have investigated the matter and have filed the charge sheet against the Accused Persons for the above said offences.

9. The Counsel appearing for the Accused No.2 argued that the Accused No.2 is innocent and she has not committed any offence. Further, there is no prima facie against the Accused No.2. From the perusal of the charge sheet, there is no specific allegation against the accused No.2 and there is no intention of committing offence and in the absence of intention, it cannot be said that the Accused No.2 has committed the offences. The Police have arrested the Accused No.2 only on

the suspicious grounds. The Police have already investigated the matter and have filed the charge sheet and hence the Accused No.2 is not required for any interrogation. Since the Accused No.2 is also belongs to Chalawadi Caste, the offence under SC & ST Act will not be applicable. The Accused No.2 is ready to abide by the conditions and she undertakes to appear before the Court on all hearing dates and prayed to allow the bail Application.

10. The learned Public Prosecutor argued that the Accused No.1 and 2 have conspired together and have killed the victim with pre-plan. Though the Police have filed the charge sheet, the FSL report yet to be received. Further, the allegation that the Accused No.1 and 2 were loving each other for more than 10 years and even after her marriage with the victim, Accused No.2 continued the same with the Accused the No.1 and they were talking over the phone and also they were sending messages through WhatsApp. Accordingly, on the instigation and information given by the Accused No.2, the Accused No.1 has committed the murder of the victim. After arrest of the Accused persons, their mobile phones were seized by the Police. However, the Accused persons have deleted the messages and call details, which were in their phone and hence, same were sent for FSL to retrieve the evidence. However, FSL report is awaited. The offence committed by the Accused persons are heinous and serious in nature and same is punishable with death or imprisonment of life. Since the Accused persons have deleted the evidence in the mobile, if they are released on bail, there is a chance of tampering the

evidence and threatening the witnesses and hence, prayed to reject the bail application.

11. Having heard the arguments addressed by the Counsel for the Accused No.2 and learned Public Prosecutor and upon perusal of the records, it is alleged that, the Accused No.1 and 2 were loving each other for 10 years. However, the Accused No.1 got married the victim about 6 months back and even after her marriage she continued the same with the Accused No.1 and they were talking over the phone and also they were sending messages to each other. Accordingly, the Accused No.2 instigated the Accused No.1 to kill her husband and also she has given complete travel history to the Accused No.1. Based on the information and instigation by the Accused No.2, the Accused No.1 boarded the very same bus in which the Victim and Accused No.2 were traveling and he has stabbed the victim for 3 to 4 times and killed him. It is relevant to mention here that, the alleged offences against the Accused persons is heinous and serious in nature and same is punishable with death or imprisonment of life. From the charge sheet material prima facie disclose that involvement of the Accused No.2 in the alleged crime.

12. It is further allegations that the Accused persons both have conspired together and with pre-plan committed murder of victim. Due to the act of the Accused persons, an innocent person has lost his life and same is serious in nature and cannot be taken in light. It is pertinent to note that according to prosecution after committing the offence of murder, the

Accused persons have deleted the call details and also WhatsApp messages and hence the Police have sent their mobile phones to FSL to retrieve the evidence. However, same is not yet received. As such, the apprehension of the prosecution that, if the Accused No.2 is released on bail, there is chance of tampering the evidence and threatening the witnesses cannot be ruled out. In view of the above and also considering the gravity and nature of commission of offence, this Court has not found any reasons to grant bail to Accused No.2 in this case. Therefore, by keeping in mind the nature of crime committed and material evidence on record and also consequences thereon, this Court is of the opinion that this is not a fit case to grant bail and it is necessary to reject the bail Application. On these observations, this Court answers the Point No.1 in the **Negative**.

13. **Point No.2:** For the reasons, discussed in the above point No.1, this Court proceeds to pass the following:

ORDER

The bail Application filed by the Accused No.2 under Section 483 of BNSS, is hereby rejected.

(Dictated to the Stenographer directly on computer, typed by her, revised and corrected by me, signed and then pronounced in the Open Court on this the 18th day of June, 2025)

(MAYANNA B.L.)

II Addl. District & Sessions Judge,
Uttara Kannada, Karwar.

