



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

CRIMINAL PETITION NO. 14412 OF 2025
[(439(Cr.PC) / 483(BNSS))]

BETWEEN:

SMT. HEMA BAI
W/O KRISHNA SINGH C
AGE ABOUT 38 YEARS
R/A NO 119, NEAR GOVT SCHOOL
KAREGUDDAHALLI
CHIKKABANAVARA
BENGALURU - 560090

...PETITIONER

(BY SRI. ARUN ASHYAM, SENIOR COUNSEL FOR
SRI. SUYOG HERELE E., ADVOCATE)

AND:

THE STATE OF KARNATAKA
THROUGH SOLDEVANAHALLI P.S.
REP BY SPP,
HIGH COURT OF KARNATAKA BUILDING,
BENGALURU - 560 001.

...RESPONDENT

(BY SRI. M.R.PATIL, HCGP)





THIS CRL.P IS FILED UNDER SECTION 439 CR.PC (FILED UNDER SECTION 483 BNSS) PRAYING TO ALLOW THIS CRL.P AND DIRECT THE RESPONDENT SOLDEVANAHALLI POLICE STATION TO RELEASE/ENLARGE THE PETITIONER ON REGULAR BAIL IN CONNECTION WITH CRIME NO.91/2025 REGISTERED BY THE RESPONDENT POLICE STATION (ON THE FILE OF VI ADDITIONAL DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL) FOR THE ALLEGED OFFENCES PUNISHABLE UNDER SECTIONS 103, 238 AND 3(5) OF BNS, 2023.

THIS PETITION COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL ORDER

This petition is filed by accused No.1 under Section 483 of Bharatiya Nagrika Suraksha Sanhita, 2023 praying to grant bail in Crime No.91/2025 of Soladevanahalli Police Station registered for offences punishable under Sections 103, 238 and 3(5) of Bharatiya Nyaya Sanhita, 2023.

2. Heard learned Senior Counsel for petitioner and learned High Court Government Pleader for respondent - State who is assisted by learned counsel for defacto complainant.

3. Learned Senior Counsel for petitioner would contend that, there are no eye witnesses to the incident



and the case of prosecution is based on circumstantial evidence. Accused No.2 who is similarly placed to that of this petitioner has been granted bail by this Court. There is a joint recovery of knife at the instance of accused Nos.1 and 2 and blood stain found on the same is of 'A' group. What was the blood group of deceased has not been investigated. In the articles preserved at the time of P.M. examination, no poison has been detected in FSL examination. The case of the prosecution is based on circumstantial evidence and the prosecution has to prove each of the circumstances at trial. The petitioner is a woman and she is in judicial custody since last eleven (11) months. There are no criminal antecedents of the petitioner. With these, he prayed to allow the petition.

4. Per contra, learned High Court Government Pleader for respondent who is assisted by the learned counsel for defacto complainant would contend that, knife has been recovered at the instance of accused Nos.1 and 2 and it is found to be blood stained. There is a recovery of



clothes of the accused persons. Accused No.1 has worn the burka in order to hide her identity and she has purchased the same. The motive for the petitioner is that the deceased has married her daughter - accused No.2 without informing her and without her consent. Accused No.2 has been granted bail on the ground that she is a woman and a student. The offence alleged against the petitioner is a heinous offence punishable with death or imprisonment for life. With these, he prayed for dismissal of the petition.

5. Having heard the learned counsels appearing for parties, the Court has perused the charge sheet and other materials placed on record.

6. The co-ordinate bench of this Court while considering bail application of accused No.2 in the order dated 25.09.2025 passed in Criminal Petition No.11430/2025 has observed as under:



"3. The brief facts of the case are that, the deceased, Loknath Singh was in love with the petitioner/accused No.2. In the month of September 2023, he along his family members went to the house of accused No.2 and requested her father Krishna Singh to perform his marriage with the petitioner. However, Krishna Singh refused to perform the marriage of his daughter with him. Hence, difference arose between the two families. The deceased used to go near the college of the petitioner where she was studying and threaten her stating that he has certain photographs of her etc., On 06.12.2024, he took the petitioner to Kunigal, to the house of CW 14 and married her. Thereafter, they went to the office of the Sub Registrar and got their marriage registered in the presence of CW-14 and CW-15. However, both the petitioner and the deceased kept the marriage a secret.

4. The deceased was telling the petitioner that he married her to take revenge against her father. He was threatening her. Hence, the petitioner and along with her mother (accused No.1) planned to commit his murder.



On 22.03.2025, petitioner mixed sleeping tablets in the chapathi and the dish she prepared. She along with the deceased went to BGS layout in his Toyota Fortuner car bearing registration No.TS-07-GN-0999. She made the deceased to eat the chapathi mixed with sleeping tablets. When he was sleeping in the car at about 04.00 p.m., she secured her mother-accused No.1 to the spot. After confirming that the deceased was sleeping, accused No.1 stabbed him near his neck with a knife, while the petitioner held his Shirt. Immediately, the deceased woke up and started running towards the farmhouse of CW-5 and sat in an Autorickshaw bearing registration No.KA-0 2-AD-3058, where he collapsed and died.

5. The entire case of the prosecution is based on circumstantial evidence, as there are no eyewitnesses to the incident in question. The law was set into motion on the basis of a complaint lodged by the brother of the deceased. A perusal of the complaint averments does not reveal that the first informant knew about the marriage of his deceased brother with the petitioner. It is stated that On 22.03.2025 at



about 10 a.m., the deceased went in his Toyota Fortuner Car taking four beer bottles saying that he was going towards Bengaluru and thereafter, at about 05.15 p.m., he came to know about his murder.

6. *The prosecution is relying on the statements of CW-25, the owner of a battery shop, who is alleged to have seen the petitioner boarding the Toyota Fortuner Car at about 10.45 a.m., on 22.03.2025 and the joint recovery of bloodstained knife, churidhar and veil at the instance of accused Nos.1 and 2. Further, the statement of CW-24, the owner of a shop from where the accused No.1 is alleged to have purchased a burqa. It is the case of prosecution that the said accused came to the spot wearing a burqa in an attempt to conceal her identity.*

7. *According to prosecution, after sustaining injuries to his neck, the deceased ran out of the car towards the farmhouse of CW-5 and sat inside of an autorickshaw, wherein he succumbed to the injuries. It is no doubt, the post mortem report revealed about the injuries sustained to his neck, allegedly inflicted with a knife. and the cause of death is on account of*



stab injury to the neck. However, the above materials collected by the prosecution, at this stage, are not sufficient to deny the relief sought by the petitioner. The petitioner is a woman aged about 19 years. The learned Senior counsel submitted that, she is a student."

7. There are no eye witnesses to the incident and the case of prosecution is based on circumstantial evidence. The circumstances against the petitioner is a recovery of knife at the instance of accused Nos.1 and 2 and the said knife is found to be blood stained. There is also recovery of the clothes of the accused persons and they are found to be blood stained. The case of the prosecution is based on circumstantial evidence and the prosecution has to prove each of the circumstances at trial. The petitioner is a woman and she is in judicial custody since last eleven (11) months and as the charge sheet is filed, she is not required for custodial interrogation. There are no criminal antecedents of the petitioner.



8. Considering all the above aspects, the petitioner has made out a case for grant of bail with conditions. In the result, the following;

ORDER

The Criminal Petition is ***allowed***. The petitioner is granted bail in Crime No.91/2025 of Soladevanahalli Police Station, subject to following conditions:

- i) The petitioner shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with one surety for the like-sum to the satisfaction of the Jurisdictional Court.*
- ii) The petitioner shall not tamper the prosecution witnesses either directly or indirectly.*
- iii) The petitioner shall appear before the trial Court on all dates of hearing unless*



*exempted by the Court and cooperate for
speedy disposal of the case.*

**Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE**

KLV
List No.: 1 Sl No.: 31