

IN THE HIGH COURT OF KARNATAKA  
KALABURAGI BENCH

DATED THIS THE 29<sup>TH</sup> DAY OF JANUARY, 2021

**BEFORE**

THE HON'BLE MR. JUSTICE S. VISHWAJITH SHETTY

**CRIMINAL PETITION No.200107/2021**

**BETWEEN:**

1. Smt. Rekha @ Siddamma  
W/o Sanna Pakeerappa  
Age: 30 years, Occ: Household  
R/o. Hirelingeshwara Colony  
Sukalpete, Sindhanur - 584105  
Tq: Sindhanur, Dist: Raichur
2. Smt. Gangamma W/o Ambanna  
Age: 50 years, Occ: Household  
R/o. Budival, Tq: Sindhanur  
Dist: Raichur - 584105

... Petitioners

(By Sri Mahantesh Patil, Advocate)

**AND:**

The State of Karnataka  
R/by High Court of Karnataka  
Bench at Kalaburagi  
(Through SHO Sindhanur Town PS  
Dist: Raichur-585103)

... Respondent

(By Sri Mallikarjun Sahukar, HCGP)

This Criminal Petition is filed under Section 439 of Cr.P.C. praying to grant the regular bail to the petitioners/accused No.4 and 5 in Sindhanur Town P.S. Crime No.59/2020 in S.C.No.57/2020 for the offences punishable under Sections 143, 147, 148, 120-B, 504, 448, 427, 307, 114, 302 read with Section 149 of IPC pending on the file of learned II Addl. District and Sessions Judge, Raichur, in the interest of justice and equity.

This petition coming on for Orders this day, the Court made the following:

**ORDER**

The petitioners are accused Nos.4 and 5 in Crime No.59/2020 registered by Sindhanur Town police station for the offences punishable under Sections 143, 147, 148, 504, 302, 307, 427, 109 read with Section 149 of Indian Penal Code, 1860 (for short 'IPC').

2. Brief facts of the case are, one Hulugappa S/o Erappa had approached Sindhanur Town police station on 11.07.2020 and filed a complaint at about 9.45 p.m. alleging that complainant's younger brother Mounesh had fallen in love with one Manjula who is the daughter of Sanna Fakeerappa who is accused No.1 in this case. The said Sanna Fakeerappa is the distant relative of the

complainant. Sanna Fakeerappa and his family members were not agreeable for the marriage of their daughter Manjula with Mounesh. In spite of the advise by his family members, Mounesh got married with Manjula and started staying separately and he used to come to the house of the complainant and this had irked accused No.1 and his family members, who developed ill-will against the complainant and his family members. Accused No.1 subsequently married petitioner No.1 herein and she was his second wife. On 11.07.2020 said Manjula who is the daughter of accused No.1 went to her father's house and questioned him as to how he has married petitioner No.1 herein and she quarreled with him on this issue. Her husband Mounesh and other relatives went to the said place and brought her back. At about 4.30 p.m., on the said date, when the complainant's mother Sumitra and sister Sridevi were standing in front of Sridevi's house, even the complainant came there and at that time accused persons came there and started abusing and assaulting

the complainant and his family members. When the complainant's father Erappa and brother Nagaraj came to their rescue, the accused persons allegedly assaulted even the said persons. The accused persons also assaulted Tayamma and Revati with weapons. As a result of the assault, totally five people died and two were grievously injured including the complainant. On the basis of the complaint, Sindhanoor Town police have registered FIR in Crime No.59/2020 against five persons. The petitioners were arraigned as accused Nos.4 and 5 in the FIR and they were arrested on 12.07.2020. There afterwards, the police have investigated the case and filed the charge sheet for the offences punishable under Sections 143, 147, 148, 120-B, 504, 448, 427, 307, 302, 114 read with Section 149 of IPC. As per the charge sheet allegations, the petitioners who are named as accused Nos.4 and 5 in the charge sheet have instigated accused Nos.1 to 3 to commit the crime. The overt-act of assault on the deceased persons and also on the injured persons is only

against accused Nos.1 to 3. The petitioners had filed application under Section 439 of Cr.P.C. in Crl.Misc.No.1080/2020 before the Court of Principal District and Sessions Judge, Raichur and the same was rejected on 7.01.2021.

3. The learned counsel for the petitioners submits that the petitioners are ladies and they are in custody ever since 12.07.2020. He submits that the investigation in the case is completed and charge sheet is filed. According to the charge sheet, the allegation against the petitioners is that they have instigated accused Nos.1 to 3 to commit the crime. He also submits that the first petitioner is pregnant and she is due for delivery on 06.02.2021. In support of this, he has also produced medical records from the Raichur Institute of Medical Science Teaching Hospital, Hyderabad Road, Raichur. He submits that the second petitioner is the co-sister of the first petitioner and

she has to take care of the first petitioner. He therefore prays to enlarge the petitioners on bail.

4. Per contra, the learned High Court Government Pleader opposes the bail application contending that the petitioners are involved in a heinous and barbaric incident of committing the murder of five persons. He submits that the view of the manner in which the crime is committed, they are not entitled to any relief from this Court. He also submits that leniency cannot be shown to the petitioners on the ground that they are ladies and therefore, he prays to dismiss the petition.

5. I have carefully considered the rival arguments addressed on both sides and also perused the material available on record.

6. The investigation in the case is now completed and charge sheet has been filed. The petitioners who are married ladies are in custody ever since 12.07.2020. The first petitioner is pregnant lady who is due for delivery on

06.02.2021 as per the medical records. The proviso to Section 437(1) of Cr.P.C. provides to consider the application of a women for granting bail even in the cases where the offences are punishable with death or imprisonment for life. Further, perusal of the charge sheet material would go to that the allegation against the petitioners is that they have instigated accused Nos.1 to 3 to commit the crime. There are no overt-acts of assault alleged against these petitioners in the charge sheet. The second petitioner is a lady aged about 50 years. The learned counsel for the petitioners has submitted that second petitioner is the co-sister of the first petitioner and she is required to take care of the first petitioner at the time of delivery and also post delivery. Taking all these aspects into consideration and also having regard to the fact that the petitioners are ladies and that first petitioner is pregnant and due for delivery on 06.02.2021 and considering the nature of allegations against the petitioners in the charge sheet, I am of the view that the

prayer made by the petitioners for grant of regular bail would be considered favorably. Accordingly, I proceed to pass the following:

**ORDER**

The criminal petition is allowed.

The petitioners are directed to be released on bail in respect to Crime No.59/2020 of Sindhanoor Town police station for the offences punishable under Sections 143, 147, 148, 120-B, 504, 448, 427, 307, 302, 114 read with Section 149 of IPC, subject to the following conditions:

1. Petitioners shall execute a personal bond for a sum of Rs.2,00,000/- each with two sureties for the likesum to the satisfaction of the concerned Court.
2. Petitioners shall not directly or indirectly threaten or tamper with the prosecution witnesses.
3. Petitioners shall appear before the Trial Court on all the dates of hearing without

fail unless their presence is exempted for valid reasons.

**Sd/-  
JUDGE**

Srt