



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 19<sup>TH</sup> DAY OF DECEMBER, 2023**

**BEFORE**

**THE HON'BLE MR JUSTICE MOHAMMAD NAWAZ**

**CRIMINAL APPEAL NO. 2002 OF 2023**

**BETWEEN:**

1. MR.RAMESH S.V.,  
S/O. VENKATARAYAPPA,  
AGED ABOUT 31 YEARS,  
RESIDING AT CHAMALAVARIPALLI,  
CHIKKABALLAPUR TALUK & DIST.  
CHIKKABALLAPUR – 563 124.

...APPELLANT

(BY SRI. M.S. SHYAMSUNDHAR, SENIOR COUNSEL FOR  
SMT. VANDANA P.L., ADVOCATE)

**AND:**

1. STATE OF KARNATAKA BY  
BEGUR POLICE STATION,  
REPRESENTED BY HCGP  
HIGH COURT OF KARNATAKA  
BANGALORE-560 001.
2. SHRI. VENKATARAYAPPA,  
S/O. LATE SHRI. LAKSHMAPPA,  
AGED ABOUT 54 YEARS,  
YETIGADDAGOLLAHALLI VILLAGE  
RAGUTTAHALLI POST,  
MUNGANAHALLI HOBLI  
CHINTAMANI TALUK,  
CHIKKABALLAPUR DIST-563 125.

...RESPONDENTS

(BY SMT. SOWMYA R., HCGP FOR R1;  
SRI. K.B.K.SWAMY ADVOCATE FOR R2)





THIS CRL.A IS FILED U/S.14(A)(2) OF SC/ST (POA) ACT PRAYING TO SET ASIDE THE ORDER DATED 06.10.2023 BY THE HON'BLE LXX ADDL. CITY CIVIL AND SESSIONS JUDGE AND SPL. JUDGE AT BENGALURU IN SPL.C.NO.1921/2023 CONSEQUENTLY ALLOW THE APPLICATION FILED BY THE APPELLANT AND GRANT BAIL TO THE APPELLANT SPL.C.NO.1921/2023 DATED 06.10.2023 ARISING OUT OF CR.NO.133/2023 OF BEGUR P.S., FOR THE OFENCE P/U/S 498A, 304B OF IPC AND SEC. 3,4 OF D.P ACT AND SEC 3(2)(V) FI SC/ST ACT ARRAIGNING THE PRESENT APPELLANT AS ACCUSED PENDING ON THE FILE OF LXX ADDL. CITY CIVIL AND SESSIONS JUDGE AND SPL. JUDGE AT BENGALURU.

THIS CRIMINAL APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT, THIS DAY PRONOUNCED THE FOLLOWING:

DATE OF RESERVED THE ORDER : 13.12.2023  
DATE OF PRONOUNCEMENT OF THE ORDER: 19.12.2023

### **JUDGMENT**

Heard the learned Senior counsel for the appellant, learned High Court Government Pleader for the respondent No.1/State and learned counsel appearing for respondent No.2/defacto complainant.

2. This appeal is preferred by the accused against the order dated 06.10.2023 passed by the Court of LXX Additional City Civil and Sessions Judge and Special Judge, Bengaluru in Special Case No.1921/2023, wherein the



learned Sessions Judge has rejected his application filed under Section 439 of Cr.P.C.

3. FIR in Crime No.133/2023 of Begur Police Station is registered on a complaint lodged by one Venkatarayappa son of late Lakshmappa, father of the deceased by name Shilpa.V.

4. It is alleged in the complaint that the accused/appellant is working as a PSI at Begur Police Station. Complainant's daughter i.e., deceased Shilpa.V and the accused were in love with each other while they were pursuing their B.Ed course and they got married and since 8 months they were staying in a rented house belonging to one Beguru Y.Venugopala Reddy. Subsequent to the marriage, appellant and his family members started ill-treating complainant's daughter both physically and mentally and they were abusing her taking reference to her caste etc. Hence, several panchayats were held. It is further alleged that the accused have abused her as 'ಹೊಲೆ ಮಾದಿಗ ಮುಂಡೆ' and assaulted her and



also attempted to kill her etc. The complaint averments discloses that since the deceased belong to scheduled caste, the accused/appellant and his family members were not ready to perform the marriage, however, later the accused agreed to marry complainant's daughter and on 06.07.2023, the marriage was registered in the office of sub-registrar, Chintamani, Chikkaballapura. After the marriage, the accused started subjecting the deceased to physical and mental torture stating that he would have got a better proposal etc. It is stated that when the complainant called his daughter over phone on 02.06.2023, there was no response from her and on the next day morning he received the information from the owner of the house that his daughter has been taken to St.John's Hospital. Immediately, the complainant went to the hospital and saw the dead body of his daughter.

5. FIR was registered against the appellant herein, his brother and the owner of the house for the offences punishable under Section 498A, 504, 506, 302, 304B, 201



read with 34 of IPC and Section 3 (1)(r), 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC/ST Act'). On completion of investigation, charge sheet has been filed against the appellant alone for the offence punishable under Section 498A, 304B of IPC, Section 3 and 4 of Dowry Prohibition Act and Section 3(2)(v) of SC/ST (POA) Act, 1989.

6. It is contended by the learned Senior counsel appearing for the appellant that the entire allegations against the appellant are false and complainant's daughter has left a death note, wherein she has not made the appellant responsible for her death and not alleged anything against him. He contends that the appellant is serving as a police sub-inspector and his family is self-sufficient and there was no necessity for him to harass the deceased for dowry. He contends that the deceased and the appellant were in love with each other for more than ten years and appellant knew very well that the deceased



belong to scheduled caste and if he was not interested in the marriage, he would not have married the deceased. He contends that in a fit of emotion, the complainant has made baseless allegations not only against the appellant but even against appellant's brother and against the owner of the house, however, while filing charge sheet their names are dropped. He contends that the death note does not inculcate the appellant and submits that the appellant is languishing in judicial custody for more than six months. Now the investigation is completed and charge sheet is filed and therefore, the further detention of the appellant is not necessary. He therefore seeks to enlarge the appellant on bail by imposing conditions.

7. The learned High Court Government Pleader and learned counsel for respondent No.2 has filed statement of objections. It is vehemently contended that the death has taken place in a suspicious manner in the house where only the accused and the deceased were living and as per post mortem report injuries are noticed



on the dead body. The learned counsel for respondent No.2 contends that even though the appellant is working as a PSI and the Police Station is situated within a close distance, the incident was not reported to the Police, on the other hand the accused disappeared for more than 14 to 15 hours and the evidence which was incriminating against him was destroyed. He contends that the external and internal injuries mentioned in the post mortem report and presence of blood stains at the scene of occurrence unerringly point its fingers against the accused/appellant. It is further contended that the appellant has fabricated the suicide note. It is contended that the appellant being a Police sub-inspector, if released on bail, may tamper with the prosecution witnesses using his influence and thereby hamper the case of prosecution.

8. The charge sheet is filed against the appellant alone for the offences punishable under Section 498A, 304B of IPC, Section 3 and 4 of DP Act and Section 3(2)(v) of SC/ST (POA) Act, 1989. The material on record



reveal that even though the deceased and the accused were in love with each other, the appellant was not interested in the marriage and only after several negotiations he married the deceased and the marriage was registered in the office of the sub-Registrar. The accused and the deceased were living together in a rented house situated on the III Floor of the building at No.5, 2<sup>nd</sup> Cross, Patel Layout, Bengaluru. The death has taken place in the said house in a suspicious circumstance. As per the charge sheet material, the accused was subjecting the deceased to physical and mental torture saying that he would have got a better proposal. A perusal of the complaint shows that the accused did not inform the complainant about the deceased committing suicide. As per the post mortem report, certain external injuries are noticed on the dead body and an internal hemorrhage of 5 cms x 4 cms over the right fronto temporal region. The correctness of the death note cannot be gone into at this stage. From the material collected by the prosecution, there is a prima facie case made out against the appellant





for the offences charge sheeted against him. As rightly contended by the learned counsel for respondent, in the event of grant of bail to the appellant, there is every chance of tampering the prosecution evidence. The learned Sessions Judge while dismissing the petition filed under Section 439 of Cr.P.C. has taken into consideration the gravity of the offence and the material collected by the prosecution during investigation.

9. In the above facts and circumstances, no grounds are made out to set aside the impugned order. This is not a fit case to grant bail to the accused.

Appeal is dismissed.

**Sd/-  
JUDGE**

HB