

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 17TH DAY OF SEPTEMBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE G BASAVARAJA
CRIMINAL APPEAL NO.1460 OF 2026

BETWEEN:

G.M.MOHAN
S/O MAHALINGAPPA
AGED ABOUT 40 YEARS,
R/AT VILLA D.1, CHAITHANYASAMARPAN,
WHITE FIELD, HOSAKOTE ROAD,
BENGALURU-560067

...APPELLANT

(BY SRI. TOMY SEBASTIAN, SENIOR COUNSEL FOR
SMT. BHANUPRIYA, ADV.)

AND:

1. THE STATE OF KARNATAKA
BY KADUGODI POLICE STATION
BENGALURU
REP. BY STATE PUBLIC PROSECUTOR
HIGH COURT COMPLEX
BENGALURU-560001

2. PRAVEEN
S/O BASAPPA
AGED ABOUT 47 YEARS
R/AT NEAR CLOUD-9
INTERNATIONAL SCHOOL
GUTTUR VILLAGE,
HARIHARA TALUK,
DAVANGERE DISTRICT, PIN-577601

...RESPONDENTS

(BY SMT. RASHMI JADHAV, ADDL. SPP FOR R1,
SRI. RAMANAN S., ADV. FOR R2.)

THIS CRL.A. IS FILED U/S 14(A)(2) OF SC/ST (POA) ACT PRAYING TO SET ASIDE THE ORDER PASSED BY II ADDL. DISTRICT AND SESSIONS JUDGE AT BENGALURU RURAL DISTRICT, IN CRL.MISC.NO.1498/2026 DATED 24.08.2026 AND ENLARGE THE APPELLANT ON BAIL IN CRIME NO.247/2026 OF KADUGODI POLICE STATION FOR THE ALLEGED OFFENCE U/S 61(2), 103(1), 238 R/W 3(5) OF BNS AND SEC.3(2)(v) OF SC/ST ACT.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 21.09.2026 AND COMING ON FOR "PRONOUNCEMENT OF ORDERS" THIS DAY, THE COURT, DELIVERED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

CAV JUDGMENT

1. Accused No.1/appellant-G.M Mohan S/o Mahalingappa has preferred the appeal against the Order passed by the II Addl. District and Sessions Judge, Bengaluru Rural District, Bengaluru, in Criminal Miscellaneous No.1498/2026 dated 24.08.2026.

2. On the basis of the complaint filed by one Raghavendra H., Kadugodi Police have registered the case in UDR No. 21/2026 under Section 194(3)(iv) of BNSS. In this complaint, the complainant Raghavendra has suspected accused Nos.1 and 2 as to the cause of death of deceased child. However, the concerned police have not registered the case against them. Accused Nos.1 and 2 have obtained anticipatory bail in Criminal Miscellaneous No.711/2026 on the file of Prl.

District and Sessions Judge, Bengaluru Rural District, Bengaluru dated 24.04.2026. Thereafter, on the basis of the complaint filed by CW1-Praveen, Kadugodi Police have registered the case in Crime No.247/2026 against accused Nos.1 and 2 for the offences punishable under Section 103(1), 238 read with 303(5) of BNSS and submitted the FIR to the Court on 05.06.2026. After registration of the case against the accused, in Crime No.247/2026, the Investigating Officer has submitted a requisition to the Magistrate for cancellation of bail. Accused Nos.1 and 2 have filed application under Section 480 of BNS for release them on bail before the Additional Chief Judicial Magistrate, Bengaluru Rural District, Bengaluru. Same came to be rejected on 05.06.2026. Thereafter, accused Nos.1 and 2 were arrested and they were remanded to the judicial custody. Accused No.2-H.Priyanka filed an application under Section 483 of BNSS, 2023 before the Prl. District and Sessions Judge, Bengaluru Rural District, Bengaluru in Criminal Miscellaneous No.1317/2026. Same came to be allowed on 09.07.2026. Accordingly, accused No.2-Priyanka H., was released on bail.

3. The bail application was filed by accused No.1 the appellant herein, under Section 483 of BNSS, 2023 before the II Additional District and Sessions Judge, Bengaluru Rural

District, Bengaluru in Criminal Miscellaneous No.1498/2026. Same came to be rejected on 24.08.2026. Being aggrieved by this order appellant/accused No.1 has preferred this appeal.

4. Learned Senior Counsel Sri Tomy Sebastian, would submit that the appellant is innocent and he has not committed any offence as alleged against him. There are no ingredients for the offence under Section 103(1) of BNS. The appellant is arrested on 05.06.2026. Investigation is completed. Charge-sheet is already filed against the accused. Accused is not required for investigation. Accused No.2 is already released on bail by the Sessions Court. There is an abnormal delay in filing the complaint. After lapse of 70 days, the complainant has lodged a complaint, which is not properly explained by the prosecution. The appellant being a biological mother has informed her brother about the illness of the baby and requested him to inform the complainant. Since there was no cordial relationship with the complainant, the complainant has lodged false complaint against the accused. As per inquest mahazar, there were only scar injuries on the face and blood clots in the index finger and no one noticed any injuries on the abdomen. Hence, it is clear that the complainant and interested person have manipulated the post-mortem report. It

is very surprising that before issuing the post-mortem report to the police, the husband of accused No.2, who was neither the complainant nor Investigating Officer, brought the post-mortem report on 04.04.2026 and found something strange. Even his sister advised him to lodge a complaint. He has not chosen to lodge a complaint up to 04.06.2026. As such, it is clear that the complainant has manipulated the documents and foist the false case against the accused/appellant. As per the complainant, he `got the post-mortem report on 04.04.2026. But neither the complainant nor the police, have suspected anything and complainant has lodged a complaint after consultation with his sister at UK. Hence, it is clear that they have manipulated the post-mortem report and falsely filed the complaint. As per records, the present complainant had filed a complaint on 25.03.2026 itself and requested the police to investigate the matter but there is no reference as to same either in UDR, in the complaint dated 04.04.2026 or in the remand application. Nowhere the Investigating Officer has whispered about the said complaint dated 25.03.2026. Hence, it is clear that the Investigating Officer has manipulated the documents and falsely implicated the appellant in this case. Further it is submitted that appellant and complainant had filed a mutual consent petition for dissolution of their marriage. But the

complainant had refused to give consent before the Court at Mysuru. As such, accused No.2 has filed another petition for divorce before the Family Court at Bengaluru and summons was served to the complainant/husband on 02.06.2026. As a counter blast, the complainant has registered a case against accused No.2. It is further submitted that in respect of the very same complaint, the brother of this appellant had filed a complaint and same was registered in UDR No.21/2026. On that basis complaint, police have started harassing the accused, as such the accused have approached this Court in Criminal Miscellaneous No.711/2026 and the Court has granted the anticipatory bail. On that basis, appellant and accused No. 1 have complied the conditions by furnishing surety and co-operated with the police for enquiry. The police have recorded their statement and have also taken the custody of the vehicle in which the accused with baby, travelled lastly. But no incriminating evidence were available. As such police have not converted the said case. However, on the influence of the complaint, the respondent police have registered the case and arrested this appellant and after investigation, police have produced the accused with remand application seeking his judicial custody. Hence, the appellant is not required for further investigation. Further, it is submitted that the cause of

death shows as suffocation on a severe lack of oxygen reaching the organs and brain. Since there were no injuries over the neck or nose part, the death might have happened due to putting AC in the car or in the house or for other reasons. But the husband who is having the enmity since he has not agreed for divorce and is residing separately, the complainant has foisted a false case and by influencing the doctor through his sister who is serving in UK has taken the post mortem report from the hospital and succeeded in manipulating the same and filed the complaint after lapse of 70 days. Hence, the story of the prosecution is doubtful and liable to be rejected. As per the story of the prosecution, accused no. 1 insisted the baby to eat ice cream which has fallen on the handrest in the car, in anger he had assaulted on the baby with his left hand elbow which caused injuries and resulted in the death of the baby and accused No.2 was not present when the incident took place. But the trial Court has observed that accused No. 2 confessed that accused No.1 has committed the murder. Hence, it is clear that the Session Judge, without applying mind has erroneously rejected the bail application filed by this appellant. The alleged confession statement of co-accused before Investigating Officer is not admissible against this appellant. Admittedly, there were no eyewitness to this incident. There were no external injuries

over the body. The entire case of the prosecution is doubtful. The case of the prosecution is based on the circumstantial evidence. There are no clinching evidence to connect the appellant with the crime. There is no motive alleged against this appellant. The appellant is ready to abide by the conditions which may be imposed by this Court. On all these grounds sought for allowing the application.

5. To substantiate his argument he relied on the decision of Hon'ble Apex Court in the case of **NAGENDRA SAH v. STATE OF BIHAR** reported in **(2021) 10 SCC 725**.

6. On the other hand, learned Addl. SPP, Smt. Rashmi Jadhav has submitted that the trial Court has properly appreciated the material on record and absolutely that there are no materials to interfere with the impugned order passed by the appellate Court. Further, she would submit that though the name of accused No.1 was shown in the UDR, the concerned police have failed to register the case against them. The inquest panchanama also discloses the names of these accused. Since the concerned Investigating Officer has not registered the case against these accused, after receiving this complaint from brother of CW1, the Investigating Officer has been suspended and Disciplinary Enquiry is also initiated

against him and because of the negligence on the part of the Investigating Officer, case was not registered for 70 days. The Investigating Officer has collected sufficient materials to file charge-sheet against the accused for the alleged commission of offences. The post-mortem report reveals that the death is due to combined effect of asphyxia, as a result of obliteration of airway and blunt trauma to the abdomen sustained. Further opinion of the Senior resident of Department of Forensic Medicine and Toxicology also reveals that death is due to asphyxia, as a result of obliteration of airway and blunt trauma to the abdomen sustained. On all these grounds sought for dismissal of the appeal.

7. The statement of objection to the appeal is filed by respondent No.2. Learned counsel for respondent No.2 has reiterated the averments made in the statement of objection. Further, accused No.2 has clearly stated that accused No.1 has confessed before her that he assaulted Venilla and murdered her. Accordingly, it is sought for dismissal of the appeal.

8. Having heard the arguments on both sides, the following points arise for my consideration:

1. Whether the appellant has made out ground to interfere with the impugned order passed by the trial Court?
2. What order?
9. My answer to the above points are:
Point No.1: in the negative;
Point No.2: as per final order

Regarding Point No.1:

10. I have examined the materials placed before the Court. On the basis of the complaint filed by Raghavendra H, Kadugodi Police registered case in UDR No.21 of 2026 under Section 194(2)(iv) of BNSS, 2023. In the complaint filed by Raghavendra, the complainant has suspected the prime person Mohan G.M. as accused No.1 and Priyanka H who is the mother of the child as accused No.2. Though the complainant has suspected the name of Mohan G.M. and Priyanka H, Police have not registered case as Crime, instead registered the case in UDR No.21 of 2026. After filing UDR report, Mohan G.M. and Priyanka H., have obtained anticipatory bail in Cri. Misc.No.711 of 2026 on the file of Principal District and Sessions Judge, Bangalore Rural District dated 24.04.2026, pertaining to UDR No.21 of 2026. Thereafter, on the basis of the complaint filed by CW1 Praveen, Kadugodi Police have registered case in Crime

No.244/2026 against accused 1 and 2 for offences punishable under Sections 103(1), 238 read with 303(5) of BNSS, 2023 and submitted FIR to the Court on 5.06.2026. After registration of this case, the investigating officer submitted requisition to the Magistrate for cancellation of bail. Accused 1 and 2 have filed Application under Section 482 of BNSS, 2023 before Additional Chief Judicial Magistrate, Bangalore Rural District for releasing them on bail and the same came to be rejected on 05.06.2026. Thereafter, accused 1 and 2 were arrested and remanded to judicial custody. Accused No.2-Priyanka H., filed application under Section 483 of BNSS, 2023 before the Principal District and Sessions Judge, Bangalore Rural District in Cri. Misc. No.1317 of 2026 and the same came to be allowed on 9.07.2026. The bail application filed by accused No.1 under Section 483 of BNSS, 2023 before the II Additional District and Sessions Judge, Bengaluru Rural District in Cri.Misc.No.1498 of 2026, came to be rejected on 24.08.2026. Being aggrieved by this order, the appellant/Accused No.1, has preferred the present appeal.

11. On thorough investigation, investigating officer submitted charge-sheet against the accused No.1-G.M. Mohan and accused No.2-Priyanka H, for offences punishable under

Sections 103(1), 238, 61(2) read with 3(5) of BNSS 2023 and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

12. In column 17 of the Charge-sheet, it is stated as under:

"ಈ ಪ್ರಕರಣದ ಅಂಕಣ-14ರಲ್ಲಿ ನಮೂದಿಸಿರುವ ಸಾಕ್ಷಿ-1 ಶ್ರೀ ಪವೀರ್ ಜಿ., ರವರು ಪಲಿಶೆಡ್ ಜಾತಿಯ ಭೋವಿ ಉಪಜಾತಿಗೆ ಸೇರಿದವರಾಗಿದ್ದು, ಈ ಪ್ರಕರಣದ ಮೃತ ಕು. ವೆನ್ನಿಲ್ಲಾ, ವಯಸ್ಸು 5 ವರ್ಷ 4 ತಿಂಗಳು, ಜನ್ಮ ದಿನಾಂಕ 04/11/2020, ರವರು ಸಾಕ್ಷಿ-1 ಮತ್ತು ಅಂಕಣ-12ರಲ್ಲಿ ನಮೂದಿಸಿರುವ ಎ-2 ಆರೋಪಿತ ಶ್ರೀಮತಿ ಪ್ರಿಯಾಂಕ ರವರ ಮಗಕಾರುತ್ತಾರೆ. ಮೃತ ಸಹ ಪಲಿಶೆಡ್ ಜಾತಿಯ ಭೋವಿ ಉಪಜಾತಿಗೆ ಸೇರಿರುತ್ತಾರೆ.

ಸಾಕ್ಷಿ-1 ಮತ್ತು ಎ-2 ಆರೋಪಿತ ದಿನಾಂಕ 22/02/2007 ರಂದು ವಿವಾಹವಾಗಿದ್ದು, ಇವರಿಗೆ ಕು. ಇಡಿಕಾ, ವಯಸ್ಸು 18 ವರ್ಷ, ಮತ್ತು ಈ ಪ್ರಕರಣದ ಮೃತ ಕು. ವೆನ್ನಿಲ್ಲಾ ಎಂಬ ಇಬ್ಬರು ಮಕ್ಕಳಿರುತ್ತಾರೆ. ಅಂಕಣ-12ರಲ್ಲಿ ನಮೂದಿಸಿರುವ ಎ-1 ಆರೋಪಿ ಶ್ರೀ ಮೋಹನ್ ಜಿ.ಎಂ. ಮತ್ತು ಎ-2 ಆರೋಪಿತ ಶ್ರೀಮತಿ ಪ್ರಿಯಾಂಕ ರವರುಗಳು ಪರಸ್ಪರ ಹೆಚ್ಚು ಸ್ನೇಹಿತರಾಗಿರುತ್ತಾರೆ. ಎ-1 ಆರೋಪಿಯು ಸಾಕ್ಷಿ-48 ಶ್ರೀಮತಿ ಚಂದನಾ ರವರನ್ನು ವಿವಾಹವಾಗಿದ್ದು, ಸಾಕ್ಷಿ-48 ಮತ್ತು ಎ-1 ಆರೋಪಿಗೆ ಮೂರು ಜನ ಮಕ್ಕಳಿರುತ್ತಾರೆ. ಎ-1 ಆರೋಪಿ ಕುರುಬ ಜಾತಿ (ಪ್ರವರ್ಗ-2ಎ)ಗೆ ಮತ್ತು ಎ-2 ಆರೋಪಿತ ಬೆನ್ನಾರ್ ಜಾತಿ (ಪ್ರವರ್ಗ-1ಎ)ಗೆ ಸೇರಿರುತ್ತಾರೆ.

ದಿನಾಂಕ 27/11/2025 ರಂದು ಎ-1 ಆರೋಪಿ ಜಮೀನು ವಿಚಾರವಾಗಿ ಸಾಕ್ಷಿ-55 ಶ್ರೀ ರಾಘವೇಂದ್ರ ಹೆಚ್. ರವರು ವಾಸವಾಗಿರುವ ಬೆಂಗಳೂರು ನಗರ, ರಾಮಮೂರ್ತಿನಗರ, ಅಕ್ಲಯ್ ನಗರದಲ್ಲಿರುವ ಮನೆಗೆ ಬಂದ ಸಂದರ್ಭದಲ್ಲಿ ಎ-2 ಆರೋಪಿತೆಯನ್ನು ಭೇಟಿಯಾಗಿ ಮಾತನಾಡಿದ್ದು, ಆ ಸಂದರ್ಭದಲ್ಲಿ ಎ-1 ಮತ್ತು ಎ-2 ಆರೋಪಿಗಳು ಪರಸ್ಪರ ತಮ್ಮ ದೂರವಾಣಿ ಸಂಖ್ಯೆಗಳನ್ನು ವಿನಿಮಯ ಮಾಡಿಕೊಂಡು, ನಂತರ ನಿರಂತರವಾಗಿ ದೂರವಾಣಿ ಮೂಲಕ ಮಾತನಾಡುವುದು ಹಾಗೂ ಪರಸ್ಪರ ಭೇಟಿಯಾಗುವುದು ಮಾಡುತ್ತಿದ್ದರು. ಎ-1 ಮತ್ತು ಎ-2 ಆರೋಪಿಗಳು ತಮ್ಮ ತಮ್ಮ ಕುಟುಂಬಗಳಿಂದ ದೂರವಾಗಿ ಒಬ್ಬರಿಗೆ ವಾಸಿಸಲು ನಿರ್ಧರಿಸಿ, ದಿನಾಂಕ 14/12/2025 ರಂದು ಸಾಕ್ಷಿ-30 ಶ್ರೀ ಭರತ್ ರವರು ವ್ಯವಸ್ಥಾಪಕರಾಗಿರುವ ಮೈಸೂರಿನ ಮಲಬಾರ್ ಗೋಲ್ಡ್ ಲಾಪ್‌ನಲ್ಲಿ ಜಿನ್ನದ ತಾಳಿಯನ್ನು ಖರೀದಿಸಿಕೊಂಡು, ನಂತರ ಕಾಲಿಗೆ ತೆರಳಿ, ದಿನಾಂಕ 17/12/2025 ರಂದು ಎ-1 ಆರೋಪಿ ಎ-2 ಆರೋಪಿತೆಗೆ ತಾಳಿ

ಕಟ್ಟಿಕೊಂಡು ಬಂದಿರುತ್ತಾರೆ. ಈ ಘಟನೆಯ ನಂತರ ಎ-2 ಆರೋಪಿತೆಯು ಸಾಕ್ಷಿ-1 ರವರೊಂದಿಗೆ ಸಂಸಾರ ಮಾಡಲು ನಿರಾಕರಿಸಿ, ಸಾಕ್ಷಿ-1 ರವರೊಂದಿಗೆ ಗಲಾಟೆ ಮಾಡಿಕೊಂಡು, ಅವರು ವಾಸವಾಗಿದ್ದ ಮೈಸೂರಿನ ಮನೆಯಿಂದ ಸಾಕ್ಷಿ-1 ರವರನ್ನು ಹೊರಹಾಕಿರುತ್ತಾರೆ. ನಂತರ ಎ-1 ಆರೋಪಿ ಮೈಸೂರಿಗೆ ತೆರಳಿ, ಎ-2 ಆರೋಪಿತೆ ಹಾಗೂ ಆಕೆಯ ಮಗಳಾದ ಸಾಕ್ಷಿ-53 ಕು. ಇಡಿಕಾ ಮತ್ತು ಈ ಪ್ರಕರಣದ ಮೃತೆ ಕು. ವೆನ್ನಿಲ್ಲಾ ರವರನ್ನು ತನ್ನೊಂದಿಗೆ ಕರೆದುಕೊಂಡು ತುಮಕೂರಿಗೆ ತೆರಳಿ, ಸಾಕ್ಷಿ-64 ಕು. ಭೂಮಿಕಾ ರವರ ಮನೆಯಲ್ಲಿ ಸಾಕ್ಷಿ-53 ಮತ್ತು ಮೃತೆ ವೆನ್ನಿಲ್ಲಾ ರವರನ್ನು ಜಿಟ್ಟು ಬಂದಿರುತ್ತಾರೆ. ನಂತರ ಎ-1 ಮತ್ತು ಎ-2 ಆರೋಪಿಗಳು ಪುನಃ ಸಾಕ್ಷಿ-64 ಕು. ಭೂಮಿಕಾ ರವರ ಮನೆಗೆ ತೆರಳಿ, ಮೃತೆ ಕು. ವೆನ್ನಿಲ್ಲಾಳನ್ನು ತನ್ನೊಂದಿಗೆ ಕರೆದುಕೊಂಡು ಬಂದು, ಸಾಕ್ಷಿ-45 ಶ್ರೀ ಜಯಂತ ರವರ ಮಾಲೀಕತ್ವದ, ಬೆಂಗಳೂರು ನಗರ, ಕಾಡುಗೋಡಿ ಪೊಲೀಸ್ ಠಾಣಾ ಸರಹದ್ದಿನ ಚಿಕ್ಕಬನಹಳ್ಳಿಯ ಸೈಕಾನ್ ಮೈತ್ರಿ ವಿಲ್ಲಾ ನಂ.11ರ ಮನೆಯನ್ನು ಭೋಗ್ಯಕ್ಕೆ ಪಡೆದುಕೊಂಡು ಅಲ್ಲಿ ವಾಸವಾಗಿರುತ್ತಾರೆ.

ಎ-1 ಮತ್ತು ಎ-2 ಆರೋಪಿಗಳು ಸದರಿ ಮನೆಯಲ್ಲಿ ವಾಸವಾಗಿದ್ದ ಸಂದರ್ಭದಲ್ಲಿ, ಮೃತೆ ವೆನ್ನಿಲ್ಲಾಳನ್ನು ಪ್ರತ್ಯೇಕ ಕೊಠಡಿಯಲ್ಲಿ ಮಲಗಿಸುತ್ತಿದ್ದು, ಎ-1 ಮತ್ತು ಎ-2 ಆರೋಪಿಗಳು ಇಬ್ಬರೂ ಪ್ರತ್ಯೇಕ ಕೊಠಡಿಯಲ್ಲಿ ಮಲಗುತ್ತಿದ್ದರು. ಎ-1 ಮತ್ತು ಎ-2 ಆರೋಪಿಗಳು ದೈಹಿಕ ಸಂಪರ್ಕದಲ್ಲಿದ್ದ ಸಂದರ್ಭದಲ್ಲಿ ಮೃತೆ ವೆನ್ನಿಲ್ಲಾ ಅವರ ಕೊಠಡಿಗೆ ಬರುತ್ತಿದ್ದರಿಂದ ಆರೋಪಿಗಳಿಗೆ ಅಸೌಕರ್ಯ ಉಂಟಾಗುತ್ತಿತ್ತು. ಈ ಕಾರಣದಿಂದಾಗಿ 2026ನೇ ಸಾಲಿನ ಮಾರ್ಚ್ ತಿಂಗಳಲ್ಲಿ ಎ-1 ಮತ್ತು ಎ-2 ಆರೋಪಿಗಳು ಮೃತೆ ವೆನ್ನಿಲ್ಲಾಳನ್ನು ಸಾಕ್ಷಿ-56 ಶ್ರೀಮತಿ ಅಕ್ಷತಾ ಆರ್. ರವರ ಮನೆಯಲ್ಲಿ ಜಿಟ್ಟು ಗೋವಾಕ್ಕೆ ತೆರಳಿ, ನಂತರ ವಾಪಸ್ಸು ಬಂದಿರುತ್ತಾರೆ. ಮೃತೆ ವೆನ್ನಿಲ್ಲಾಳು ತಮ್ಮ ಒಟ್ಟಿನ ಜೀವನಕ್ಕೆ ಅಡ್ಡಿಯಾಗುತ್ತಿದ್ದಂತೆ ಎಂಬ ಉದ್ದೇಶದಿಂದ ಹಾಗೂ ಮೃತೆ ವೆನ್ನಿಲ್ಲಾಳು ಪಲಿಶ್ಚ ಜಾತಿಯ ಭೋವಿ ಉಪಜಾತಿಗೆ ಸೇರಿದವಳು ಎಂಬ ವಿಚಾರವನ್ನು ತಿಳಿದಿದ್ದರೂ, ಎ-1 ಮತ್ತು ಎ-2. ಆರೋಪಿಗಳು ಆಕೆಯನ್ನು ಕೊಲೆ ಮಾಡುವ ಬಗ್ಗೆ ಪರಸ್ಪರ ಅಪರಾಧಿಕ ಒಳಸಂಜು ರೂಪಿಸಿಕೊಂಡು, ಸೂಕ್ತ ಸಮಯಕ್ಕಾಗಿ ಕಾಯುತ್ತಿದ್ದರು. ಈ ಅಪರಾಧಿಕ ಒಳಸಂಜಿನ ಮುಂದುವರಿದ ಭಾಗವಾಗಿ, ದಿನಾಂಕ-24/03/2026 ರಂದು ಎ-2 ಆರೋಪಿತೆಯ ಹುಟ್ಟುಹಬ್ಬದ ಅಂಗವಾಗಿ ಬಟ್ಟೆಗಳನ್ನು ಖರೀದಿಸಲು, ಎ-1 ಮತ್ತು ಎ-2 ಆರೋಪಿಗಳು ಕಾಡುಗೋಡಿ ಪೊಲೀಸ್ ಠಾಣೆಯ ಮಾಲುಪಟ್ಟಿ.ನಂ.83/2026ರ ಆರ್ಡರ್ ನಂ.2ರಲ್ಲಿ ನಮೂದಿಸಿರುವ ಕೆಎ-05-ಎನ್-ಎಲ್-5505 ನೋಂದಣಿ ಸಂಖ್ಯೆಯ ಕಾಲಿನಲ್ಲಿ ಇಂದಿರಾನಗರಕ್ಕೆ ಬಂದಿರುತ್ತಾರೆ. ಇಂದಿರಾನಗರ 100 ಅಡಿ ರಸ್ತೆಯಲ್ಲಿರುವ ವೆಸ್ಟ್ ಸ್ಟ್ರೀಟ್ ಶಾಪ್ ಬಳಿ ಎ-2 ಆರೋಪಿತೆಯನ್ನು ಶಾಪಿಂಗ್ ಮಾಡಲು ಇಳಿಸಿ, ಎ-1 ಆರೋಪಿ ಮೃತೆ ವೆನ್ನಿಲ್ಲಾಳನ್ನು ತನ್ನೊಂದಿಗೆ ಕರೆದುಕೊಂಡು, ಬೆಂಗಳೂರು ನಗರ, ಇಂದಿರಾನಗರ ಪೊಲೀಸ್ ಠಾಣಾ ಸರಹದ್ದಿನ 12ನೇ ಎ ಮುಖ್ಯ ರಸ್ತೆ, ಹೆಚ್.ಎ.ಎಲ್. 2ನೇ ಹಂತದಲ್ಲಿರುವ ಸಾಕ್ಷಿ-63 ಶ್ರೀಮತಿ ಜಾಂದಿನಿ ರವರ ಮಾಲೀಕತ್ವದ ಬಾಕ್ಸಿನ್ ರಾಜನ್ಸ್ ಐಸ್ ಕ್ರೀಂ ಅಂಗಡಿಗೆ ರಾತ್ರಿ ಸುಮಾರು

9.20 ಗಂಟೆಗೆ ಕರೆದುಕೊಂಡು ಹೋಗಿರುತ್ತಾನೆ. ಅಲ್ಲಿ ಮೃತ ವೆನ್ನಿಲ್ಲಾಳಿಗೆ ತಿನ್ನಲು ಐನ್ ಕ್ರೀಂ ಕೊಡಿಸಿ, ಐನ್ ಕ್ರೀಂ ಕೇಕ್‌ನ್ನು ಖರೀದಿಸಿಕೊಂಡಿರುತ್ತಾನೆ. ಈ ಅಂಗಡಿಯಲ್ಲಿ ಕೆಲಸ ಮಾಡುತ್ತಿದ್ದ ಸಾಕ್ಷಿ-44 ಶ್ರೀ ಅನಿಧನ್ ಜಮಾತಿಯಾ ರವರು ತಿಳಿಸಿದಂತೆ, ಎ-1 ಆರೋಪಿ ಅಂಗಡಿಯ ಬ್ಯಾಂಕ್ ಖಾತೆಗೆ ಗೂಗಲ್ ಪೇ ಮೂಲಕ ಒಟ್ಟು ರೂ.907/- ಹಣವನ್ನು ಪಾವತಿಸಿರುತ್ತಾನೆ.

ನಂತರ ಎ-1 ಆರೋಪಿ ಮೃತ ವೆನ್ನಿಲ್ಲಾಳನ್ನು ಕಾಲನಲ್ಲಿ ಕರೆದುಕೊಂಡು ಬಂದು, ತಾನು ಜಾಲಕನ ಸೀಟಿನಲ್ಲಿ ಕುಳಿತಿದ್ದು, ಮೃತ ವೆನ್ನಿಲ್ಲಾಳು ಜಾಲಕನ ಸೀಟಿನ ಹಿಂಭಾಗದ ಮಧ್ಯದ ಸೀಟಿನಲ್ಲಿ ನಿಂತುಕೊಂಡಿದ್ದ ನಂದರ್ಬದಲ್ಲಿ, ಎ-1 ಆರೋಪಿ ನಿಡಿದ್ದ ಐನ್ ಕ್ರೀಂ ಜೆನ್ನಾರಿಲ್ಲ ಹಾಗೂ ತಾನು ತಿನ್ನುವುದಿಲ್ಲ ಎಂದು ವೆನ್ನಿಲ್ಲಾ ಹೇಳಿ ಐನ್ ಕ್ರೀಂ ಅನ್ನು ಕಾಲನೊಳಗೆ ಜಿಲ್ಲದ ಕಾರಣಕ್ಕೆ ಕೊಡಬೇಕೆಂದು ಕೇಳುತ್ತಾನೆ. ಈ ವೇಳೆ ಮೃತ ವೆನ್ನಿಲ್ಲಾಳು ತಮ್ಮ ಜೀವನಕ್ಕೆ ಅಡ್ಡಿಯಾಗುತ್ತಿರುವ ವಿಚಾರವನ್ನು ಮನಸ್ಸಿನಲ್ಲಿಟ್ಟುಕೊಂಡು, ಆಕೆಯನ್ನು ಕೊಲೆ ಮಾಡುವ ಉದ್ದೇಶದಿಂದ ಎ-1 ಆರೋಪಿ ತನ್ನ ಎಡಗೈ ಮೊಣಕೈಯಿಂದ ವೆನ್ನಿಲ್ಲಾಳ ಹೊಟ್ಟೆಯ ಭಾಗಕ್ಕೆ ಬಲವಾಗಿ ಗುದ್ದಿ, ನಂತರ ತನ್ನ ಎಡಗೈಯಿಂದ ಆಕೆಯ ಮೂಗು ಮತ್ತು ಬಾಯಿಯನ್ನು ಬಲವಾಗಿ ಮುಚ್ಚಿ ಉಸಿರುಗಟ್ಟಿಸಿ ಕೊಲೆ ಮಾಡಿರುತ್ತಾನೆ. ಮೃತ ವೆನ್ನಿಲ್ಲಾ ಮೃತಪಟ್ಟಿರುವುದನ್ನು ಖಚಿತಪಡಿಸಿಕೊಂಡ ನಂತರ, ಆಕೆಯ ಮೃತದೇಹವನ್ನು ಜಾಲಕನ ಸೀಟಿನ ಹಿಂಭಾಗದ ಸೀಟಿನಲ್ಲಿ ಅಂಗಾತವಾಗಿ ಮಲಗಿಸಿಕೊಂಡು, ಎ-2 ಆರೋಪಿತೆಯನ್ನು ಶಾಕಿಂಗ್ ಮಾಡಲು ಜಿಲ್ಲದ ಸ್ಥಳಕ್ಕೆ ಕಾಲನಲ್ಲಿ ತೆರಳಿ, ಎ-2 ಆರೋಪಿತೆಯನ್ನು ಕಾಲನಲ್ಲಿ ಕರೆದುಕೊಂಡು, ಮೃತ ವೆನ್ನಿಲ್ಲಾಳನ್ನು ತಾನು ಕೊಲೆ ಮಾಡಿರುವುದಾಗಿ ತಿಳಿಸಿರುತ್ತಾನೆ. ನಂತರ ಎ-1 ಮತ್ತು ಎ-2 ಆರೋಪಿಗಳು ತಮ್ಮ ಕೃತ್ಯವು ಯಾರಿಗೂ ತಿಳಿಯದಂತೆ ಮಾಡುವ ಹಾಗೂ ಪ್ರಕರಣಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಸಾಕ್ಷಿಧಾರಗಳನ್ನು ನಾಶಪಡಿಸುವ ಉದ್ದೇಶದಿಂದ, ಮೃತ ವೆನ್ನಿಲ್ಲಾಳ ಮೃತದೇಹವನ್ನು ಅದೇ ಕಾಲನಲ್ಲಿ ಸಾಗಿಸಿಕೊಂಡು, ನರಸಾಪುರದ ಬೆಂಗಳೂರು-ಕೋಲಾರ ಹೆದ್ದಾರಿಯಲ್ಲಿರುವ ಕೆಫೆ ಕಾಫಿ ಡೇಗೆ ತೆರಳಿರುತ್ತಾರೆ. ಅಲ್ಲಿ ಎ-1 ಮತ್ತು ಎ-2 ಆರೋಪಿಗಳು ಎ-2 ಆರೋಪಿತೆಯ ಹುಟ್ಟುಹಬ್ಬವನ್ನು ಆಚರಿಸಿಕೊಂಡು, ಕೆಫೆ ಕಾಫಿ ಡೇ ರಲ್ಲಿ ಕೆಲಸ ಮಾಡಿಕೊಂಡಿರುವ ಸಾಕ್ಷಿ-58 ಶ್ರೀ ಸೋಮಶೇಖರ್ ರವರಿಗೆ ರೂ.250/- ಹಣವನ್ನು ಅವರ ಫೋನ್ ನಂಬರ್-7349264322ಗೆ ಪೇಟಿಎಂ ಮೂಲಕ ಪಾವತಿಸಿರುತ್ತಾರೆ. ನಂತರ ಮೃತ ವೆನ್ನಿಲ್ಲಾಳ ಮೃತದೇಹವನ್ನು ಕಾಲನಲ್ಲಿಯೇ ಸಾಗಿಸಿಕೊಂಡು, ಸಾಕ್ಷಿ-23 ಶ್ರೀ ವೆಂಕಟ್ ಕಿಲ್ಲಾಲ ರವರು ವ್ಯವಸ್ಥಾಪಕರಾಗಿರುವ ಹೊಸಕೋಟೆ ಟೋಲ್ ಪ್ಲಾಜಾವನ್ನು ದಿನಾಂಕ 25/03/2026 ರಂದು ಬೆಳಗಿನ ಜಾವ ಸುಮಾರು 1.29 ಗಂಟೆಗೆ ದಾಟಿ, ತಾವು ವಾಸವಾಗಿದ್ದ ಖಿಲ್ಲಾಗೆ ವಾಪಸ್ಸು ಬಂದಿರುತ್ತಾರೆ. ಖಿಲ್ಲಾಗೆ ಬಂದ ನಂತರ ಎ-1 ಆರೋಪಿ ಮೃತ ವೆನ್ನಿಲ್ಲಾಳ ಮೃತದೇಹವನ್ನು ಕಾಲಿನಿಂದ ಎತ್ತಿಕೊಂಡು ಹೋಗಿ, ಈ ಹಿಂದೆ ಆಕೆಯನ್ನು ಮಲಗಿಸುತ್ತಿದ್ದ ಕೊಠಡಿಯಲ್ಲಿಯೇ ಮಲಗಿಸಿರುತ್ತಾನೆ. ನಂತರ ಎ-1 ಮತ್ತು ಎ-2 ಆರೋಪಿಗಳು ತಾವು ಮೃತ ವೆನ್ನಿಲ್ಲಾಳನ್ನು ಕೊಲೆ

ಮಾಡಿರುವ ವಿಚಾರವನ್ನು ಮರೆಮಾಚುವ ಹಾಗೂ ಪ್ರಕರಣಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಸಾಕ್ಷಾಧಾರಗಳನ್ನು ನಾಶಪಡಿಸುವ ಉದ್ದೇಶದಿಂದ, ಬೆಂಗಳೂರು ನಗರ ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ 8.00 ಗಂಟೆಗೆ ಮೃತ ವೆನ್ನಿಲ್ಲಾಳ ಮೃತದೇಹವನ್ನು ಪರಿಶೀಲಿಸಿ ನೋಡಲು ಮಿಲಿಟರಿ ಆಸ್ಪತ್ರೆಗೆ ಕರೆದುಕೊಂಡು ಹೋಗಿರುತ್ತಾರೆ. ಆಸ್ಪತ್ರೆಯಲ್ಲಿ ಪರಿಶೀಲಿಸಿದ ಸಾಕ್ಷಿ-26 ಡಾ. ಮಧುಸೂದನ್ ರವರು ಮೃತ ವೆನ್ನಿಲ್ಲಾ ಮೃತಪಟ್ಟಿರುವುದನ್ನು ದೃಢಪಡಿಸಿರುತ್ತಾರೆ.

ಎ-1 ಮತ್ತು ಎ-2 ಆರೋಪಿಗಳು ತಮ್ಮ ತಮ್ಮ ಕುಟುಂಬಗಳಿಂದ ದೂರವಾಗಿ ಪ್ರತ್ಯೇಕವಾಗಿ ವಾಸಿಸುತ್ತಿದ್ದ ಸಂದರ್ಭದಲ್ಲಿ, ಎ-2 ಆರೋಪಿತೆಯ ಮಗನಾದ ಹಾಗೂ ಪರಿಶಿಷ್ಟ ಜಾತಿಯ ಭೋವಿ ಉಪಜಾತಿಗೆ ಸೇರಿದ ಮೃತ ಕು. ವೆನ್ನಿಲ್ಲಾಳ ತಮ್ಮ ಖಾಸಗಿ ತನಕ್ಕೆ ಹಾಗೂ ಒಟ್ಟಿನ ಜೀವನಕ್ಕೆ ಅಡ್ಡಿಯಾಗುತ್ತಿದ್ದಾಳೆ ಎಂಬ ಉದ್ದೇಶದಿಂದ, ಪರಸ್ಪರ ಅಪರಾಧಿಕ ಒಳಸಂಚು ರೂಪಿಸಿಕೊಂಡು, ಸೂಕ್ತ ಸಮಯದಲ್ಲಿ ಮೃತ ವೆನ್ನಿಲ್ಲಾಳನ್ನು ಕೊಲೆ ಮಾಡಿರುವುದು ಹಾಗೂ ನಂತರ ಪ್ರಕರಣಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಸಾಕ್ಷಾಧಾರಗಳನ್ನು ನಾಶಪಡಿಸುವ ಮತ್ತು ನಿಜವಾದ ಘಟನೆಯನ್ನು ಮರೆಮಾಚುವ ಉದ್ದೇಶದಿಂದ ಮೃತದೇಹವನ್ನು ಸಾಗಿಸಿ, ಘಟನೆಯನ್ನು ಸಹಜ ಸಾವು ಎಂಬಂತೆ ಜಂಜನಲು ಪ್ರಯತ್ನಿಸಿರುವುದು ತನಿಖೆಯ ಸಂದರ್ಭದಲ್ಲಿ ಸಂಗ್ರಹಿಸಲಾದ ಸಾಕ್ಷಾಧಾರಗಳಿಂದ ದೃಢಪಟ್ಟಿರುತ್ತದೆ.

ಅದ್ದರಿಂದ ಆರೋಪಿಗಳ ವಿರುದ್ಧ ಈ ಮೇಲ್ಕಂಡ ಕಲಂ ಗಳ ಅನ್ವಯ ದೋಷಾರೋಪಣ ಪಟ್ಟಿಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತದೆ."

13. On perusal of materials placed before this Court, viz. Post-mortem report, Inquest mahazar, voluntary statement of the accused and also the mahazar conducted by the police, the same would reveal prima facie material against accused No.1. The commission of alleged offence is heinous in nature and punishable with death or imprisonment for life. The trial Court has rightly observed that after accused No.2 deserting her husband, the accused No.2 has been staying along with accused No.1 with her daughter Kum. Vennila and on the intervening night between 24/25th March 2026, accused No.1

was in the company of accused No.2 and her daughter deceased Vennila. The incident in question occurred when the deceased Vennila was alleged to have been along with her mother accused No.2 and appellant-accused No.1. Therefore, there is no eye-witness to the incident.

14. Now, the investigating officer has collected sufficient material against accused No.1. Further the Special Court has observed that the Investigating Officer has been collecting substantial material against the accused and the case on hand is a cold-blooded murder of a young girl aged about six years, and rejected the application.

15. As regards delay of 70 days in filing the complaint against the accused is concerned, as already stated above, though the complainant has suspected the accused 1 and 2, the investigating officer has not registered the case as Crime, instead has registered as UDR 21 of 2026. In this regard, the learned Additional SPP has submitted that because of the negligence on the part of the investigating officer, case was not registered for 70 days and the concerned Investigating Officer has been suspended and Departmental Enquiry is also initiated against him in this regard. Therefore, the delay of 70 days in

registering the case by the concerned police is not a ground for grant of bail.

16. On careful examination of the entire material on record, at this stage, this Court has noticed that there are prima facie material to constitute the alleged offence. I do not find any legal or factual error in the impugned order passed by the trial Court. Hence, the appellant has not made out any ground to interfere with the impugned judgment of conviction and order on sentence. Accordingly, I answer point No.1 in the negative.

Regarding Point No.2:

17. For the discussion and reasons aforestated, I proceed to pass the following:

ORDER

Appeal dismissed.

**Sd/-
(G BASAVARAJA)
JUDGE**

KBM,lnn