

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). OF 2025
(@ SPECIAL LEAVE PETITION(S) (CRL.) NO(S).13801/2025)

REKHA K.C.

APPELLANT(S)

VERSUS

JYOTHIBAI & ANR.

RESPONDENT(S)

O R D E R

Leave granted.

2. This appeal has been filed against the order dated 23.11.2024 passed by the High Court of Karnataka at Bengaluru in Criminal Petition No.12115 of 2024 granting bail to the first respondent.

3. According to the facts of the case, a case in Crime No.2 of 2024 was registered by Lakkavalli Police Station, Chikkamagaluru, initially for the offences punishable under Sections 504, 307 read with Section 34 of Indian Penal Code, 1860 (for short, "IPC") against the petitioner and another on the basis of the First Information received from Rekha K.C, W/o. Naveen KG on 03.01.2024. During the course of investigation, petitioner herein, who was arraigned as accused No.1 in the First Information Report was arrested on 06.01.2024 and subsequently, remanded to judicial custody. Investigation in the case is completed and charge sheet has been filed against two persons.

4. Respondent No.1 is now facing trial in S.C.NO.40 of 2024 pending before the Court of I Additional District and Sessions Judge, Chikkamagaluru, arising out of Crime No.2 of 2024 registered by Lakkavalli Police Station, Chikkamagaluru, for the offences punishable under Sections 120B, 504, 302 read with Section 34 of IPC.

5. During the trial, respondent No.1 sought bail from the trial court which application was dismissed *vide* order dated 08.07.2024 in S.C.NO.40 of 2024 by the Court of I Additional District and Sessions Judge, Chikkamagaluru.

6. Being aggrieved, respondent No.1 approached the High Court.

7. The High court noted that accused No.2 was released on bail by the trial court on 01.06.2024.

8. *Vide* impugned order, the High Court allowed the petition filed by respondent No.1 and released her on bail.

9. Being aggrieved, the appellant/complainant has preferred the instant appeal.

10. We have heard learned counsel for the appellant and learned counsel for the first respondent-accused as well as the learned standing counsel for the second respondent-State.

11. We have perused the material on record.

12. The main contention urged on behalf of the appellant is that the impugned order lacks reasons while granting the relief of bail to the first respondent-accused herein. The facts of the case are so stark that the overt-acts which have been attributed to the first respondent herein are so true that in such a case which has caused the death of the deceased-Naveen owing to injuries caused from a machete, the High Court has granted the relief of bail. He drew our attention to the various paragraphs of the impugned order to contend that there are no reasons assigned as to why the relief of bail could have been granted to the first respondent herein. Merely because the first respondent is a lady and who is in her forties, is no reason to grant bail when the offences alleged are under Sections 302 read with 34, 120-B and 504 of the Indian Penal Code, 1860. He submitted that there have been three witnesses who have been examined in the trial and all of them have supported the case; that the relief of bail granted to the appellant herein would directly or indirectly hamper the prosecution inasmuch as there would be an influence on the witnesses. In the circumstances, the impugned order may be set aside.

13. *Per contra*, learned counsel for the first

respondent supported the impugned order and contended that the act of the first respondent was in self defence and therefore, the High Court was justified in granting the relief of bail to the first respondent herein inasmuch as she had already completed over one year and seventeen days as an under trial. He therefore submitted that there is no merit in this appeal.

14. Learned counsel for the second respondent-State also submitted that she has instructions to the effect that the impugned order is just and proper and therefore this appeal would not call for any interference.

15. We have perused the impugned order and we note that the High Court has observed as under while granting the relief of bail to the first respondent:

"8. Be that as it may, insofar as the incident that has taken place inside the house of the petitioner, there is no eye witness. Even accused No.2 was not present at the spot of crime. It is only the petitioner and the deceased, who were inside the house and they had fought against each other. There is a case and counter case in respect of the incident that had taken place inside the house of the petitioner on 02.01.2024. Deceased has gone to the house of the petitioner when she was alone in the house and thereafter, incident in question had taken place. In the said incident, deceased Naveen KG, who had suffered injuries had subsequently died in the Hospital. Even prior to registration of FIR in the present case, on the basis of the statement made by the petitioner, FIR was

registered by Lakkavalli Police against Naveen KG. Petitioner, who is a lady aged about 41 years is in custody for the last more than 11 months. Investigation in the case is completed and charge sheet has been filed. Undisputedly, she has no other criminal antecedents and the material on record would go to show that she has an unmarried daughter. Considering the aforesaid aspects of the matter and also having regard to the proviso to Section 437(1) of Cr.P.C., the prayer made by the petitioner for grant of regular bail needs to be answered affirmatively."

16. There is no discussion at all with regard to the overt-act that has been alleged against the first respondent herein. In the absence of any such discussion, merely because the first respondent is a lady, who is about forty one years of age and was in custody for about eleven months, the relief of bail has been granted which is not correct.

17. We do not find any reason whatsoever other than the aforesaid reasons for granting of the relief to her.

18. Moreover we have already noted the fact that the accused No.1-first respondent herein has been alleged of a serious offence which aspect has been brushed aside by the High Court.

19. In the circumstances, we set aside the impugned order. We direct the first respondent to surrender before the Court of First Additional District and Sessions Judge, Chikamagaluru on or before 31.12.2025.

20. Appeal is allowed and disposed of in the aforesaid terms.

....., J.
(B.V. NAGARATHNA)

....., J.
(R. MAHADEVAN)

NEW DELHI;
DECEMBER 16, 2025

ITEM NO.1

COURT NO.4

SECTION II-E

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (CRL.) NO(S).13801/2025
[ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 23-11-2024 IN CRP NO. 12115/2024 PASSED BY THE HIGH COURT OF KARNATAKA AT BENGALURU]

REKHA K.C.

PETITIONER(S)

VERSUS

JYOTHIBAI & ANR.

RESPONDENT(S)

IA NO. 206808/2025 - CONDONATION OF DELAY IN FILING

IA NO. 206809/2025 - CONDONATION OF DELAY IN REFILEING / CURING
THE DEFECTS

IA NO. 210320/2025 - EXEMPTION FROM FILING O.T.

Date : 16-12-2025 This matter was called on for hearing today.

CORAM : HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) : Mr. Ashwin V. Kotemath, Adv.
Mr. Harisha S.r., AOR

For Respondent(s) : Mr. H.K. Naik, Adv.
Mr. Chander Shekhar Ashri, AOR
Mr. Gururaj Sharma, Adv.
Mr. Sameer Naik, Adv.

Ms. Rooh-e-hina Dua, AOR
Mr. Riccky Chaudhary, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

Appeal is allowed in terms of the signed order,
which is placed on file.

Pending application(s), if any, shall stand
disposed of.

(B. LAKSHMI MANIKYA VALLI)
COURT MASTER (SH)

(DIVYA BABBAR)
COURT MASTER (NSH)