

Ravi Kumara @ Ravikumara @ A.Ravi Eligara Ravi Vs State Of Karnataka

Court: Karnataka High Court, Dharwad Bench

Date of Decision: Jan. 31, 2025

Acts Referred: Bharatiya Nagarik Suraksha Sanhita, 2023 " Section 483
Indian Penal Code, 1860 " Section 201, 302, 498A

Hon'ble Judges: Ravi V. Hosmani, J

Bench: Single Bench

Advocate: Srinivas B. Naik, Jairam Siddi

Final Decision: Allowed

Judgement

Ravi V. Hosmani, J

CAV ORDER

1. This petition is filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, "BNSS") for grant of regular bail in Crime

no.165/2022 by Hagaribommanahalli Police Station for offences punishable under Sections 302, 201 498A of Indian Penal Code (for short,

"IPC") by accused no.1 (petitioner).

2. Sri Srinivas B. Naik, learned counsel for petitioner submitted as per prosecution case, a complaint was filed at 08:00 a.m. on 27.09.2022 by

Smt.Gouramma (complainant) that her elder daughter Deepa (victim) married Ravikumar (accused no.1) about two years ago. Due to

misunderstanding with her in laws, they began residing in rented house separately. At that time, they did not have any children.

3. In meanwhile, complainant's husband became addicted to drinking and ill-treating her. Therefore, she along with her two children shifted to

another house in same village, belonging to her father. She also stated that when her brother Sidalingappa and his wife Saraswati went to

Chikmagalur to earn livelihood, they left behind their daughter Rashmi with complainant.

4. And whenever, victim used to visit her, she told her about her husband's ill-treatment by suspecting her to be having affair with Kirankumar and

often going with him on his motorcycle. And when complainant enquired with petitioner, he told her that it was due to affair between Deepa and

Kirankumar, to whom she used to send messages. And at that time, complainant, advised victim to avoid Kirankumar. And a day before incident, the

couple had visited her and went back after having dinner. At that time, victim had told her that she was feeling uneasy in her house for about a week.

When complainant suggested that victim could go to her aunt at Hampanakatti, she replied that her husband was not allowing her to go anywhere.

Same day at 11:30 p.m., petitioner informed her that he was not able to find his wife Deepa and had eloped with someone. On enquiry whether victim

had left with her slippers and clothes, he answered in negative. Immediately, suspecting that petitioner had killed her daughter and put her body

somewhere, they searched everywhere nearby, when they received information that her daughter's body was lying in front of Kirankumar's

house at Nandipura. On reaching spot, she found strangulation marks on victim's neck and there were injuries on toes of her right foot due to

dragging.

5. Thereafter on enquiry, petitioner told them that at 10:30 p.m. previous night, there was quarrel between him and his wife about her affair with

Kirankumar and he had strangled her and killed her by pressing on her neck with his foot and in order to avoid blame falling on him, he had

transported her body on his motorcycle and dropped it in front of Kirankumar's house. On said allegations, complainant sought action.

6. Based on complaint, Crime no.165/2022 was registered against five persons including petitioner as accused no.1. It was submitted, petitioner was

arrested on 27.09.2022 and had confessed to commission of offence when his statement was recorded on same day. It was submitted, investigation

was completed and charge-sheet filed on 13.12.2022.

7. As alleged in charge-sheet, petitioner had murdered victim at his house, carried body on his motorcycle by tying it around himself and dropping it in

front of Kirankumar's house to implicate him. But, admittedly, there were no eye-witness. Except strangulation marks, Post Mortem Examination

Report (PMR) did not record any other injuries on victim. And nothing suspicious such as blood stains etc. were found in his house.

Therefore, entire case of prosecution was based on circumstantial evidence with virtually nothing other than his extra judicial confession

(EJC) recorded by Investigating Officer (IO) which by itself would not have any evidential value, by relying upon decision of Hon'ble

Supreme Court in case of Kalinga @ Kushal v. State of Karnataka, reported in 2024 (4) SCC 735.

8. It was submitted, petitioner was law abiding citizen having both movable and immovable properties and without any criminal antecedents. Further,

he was in custody for more than two years and as charge sheet was also filed on 13.12.2022, he would not be required for any custodial interrogation.

Besides, as per charge-sheet, prosecution was relying on 39 witnesses, therefore, completion of trial was likely to be delayed. On above grounds,

prayed for allowing petition on any conditions.

9. On other hand, Sri Jairam Siddi, learned HCGP for respondent " State opposed petition. It was submitted, offences alleged against petitioner

were heinous and punishable with death or imprisonment for life. It was submitted, complaint filed by victim's mother contained all ingredients of

murder and during course of investigation, petitioner had admitted to commission of offences alleged in his voluntary statement recorded on

27.09.2022, and had also led to recovery of rope and Motorcycle used for commission of crime. Prosecution had recorded statements of various

persons and which was sufficient to sustain charges against petitioner. In PMR, external ligature marks were noted on neck of victim and opinion

about cause of death was "Cardiac Arrest, Respiratory from Asphyxia". It was further submitted, in case of his release on eve of

commencement of trial, there was every likelihood of petitioner influencing prosecution witnesses. On above grounds, sought rejection of petition.

10. Heard learned counsel and perused material on record.

11. From above, point that arises for consideration is:

"Whether petitioner is entitled for regular bail on conditions?"

12. From above it is seen, this is regular bail petition by sole accused charged with murdering his wife by strangulation and attempting to destroy

evidence of murder by dumping body in front of Kirankumar's house, with whom, he suspected victim to have illicit relationship with.

13. Indeed, offences alleged against petitioner are grave carrying capital punishment. And as contended by learned HCGP that during investigation,

petitioner had admitted to committing murder and thereafter led to recovery of motorcycle used for transporting body of victim from his house to

Kirankumar's house as well as rope used to tie her body to his.

14. Thus prosecution seems to be relying on confession by petitioner before IO, which would be EJC. Insofar as EJC, Hon'ble Supreme Court in

Ratnu Yadav v. State of Chhattisgarh, reported in 2024 SCC OnLine SC 1667, held follows:

"9. As regards the evidentiary value of an extra-judicial confession, a bench of three Hon'ble Judges of this Court in the case of Devi

Lal v. State of Rajasthan¹, in Paragraph 11, this Court held thus:

"11. It is true that an extra-judicial confession is used against its maker but as a matter of caution, advisable for the court to look for a

corroboration with the other evidence on record. In *Gopal Sah v. State of Bihar* [*Gopal Sah v. State of Bihar*, (2008) 17 SCC 128 : (2010) 4

SCC (Cri) 466], this Court while dealing with extra-judicial confession held that extra-judicial confession is, on the face of it, a weak

evidence and the Court is reluctant, in the absence of a chain of cogent circumstances, to rely on it, for the purpose of recording a

conviction. In the instant case, it may be noticed that there are no additional cogent circumstances on record to rely on it. At the same time,

Shambhu Singh (PW 3), while recording his statement under Section 164 CrPC, has not made such statement of extra-judicial confession

(Ext.D-5) made by accused Babu Lal. In addition, no other circumstances are on record to support it.Ã¢â‚¬â€œ

(emphasis added)

In paragraph 16 of the decision of this Court in the case of *Nikhil Chandra Mondal v. State of West Bengal*², this Court held thus:

Ã¢â‚¬â€œ16. It is a settled principle of law that extra-judicial confession is a weak piece of evidence. It has been held that where an extra-

judicial confession is surrounded by suspicious circumstances, its credibility becomes doubtful and it loses its importance. It has further been

held that it is well-settled that it is a rule of caution where the court would generally look for an independent reliable corroboration before

placing any reliance upon such extra-judicial confession. It has been held that there is no doubt that conviction can be based on extra-

judicial confession, but in the very nature of things, it is a weak piece of evidence.Ã¢â‚¬â€œ

(emphasis added)

15. Even in *KushalÃ¢â‚¬â€œs case* (supra), it is held:

Ã¢â‚¬â€œ16. It is no more res integra that an extra-judicial confession must be accepted with great care and caution. If it is not supported by

other evidence on record, it fails to inspire confidence and in such a case, it shall not be treated as a strong piece of evidence for the

purpose of arriving at the conclusion of guilt. Furthermore, the extent of acceptability of an extra-judicial confession depends on the

trustworthiness of the witness before whom it is given and the circumstances in which it was given. The prosecution must establish that a

confession was indeed made by the accused, that it was voluntary in nature and that the contents of the confession were true. The standard

required for proving an extra-judicial confession to the satisfaction of the Court is on the higher side and these essential ingredients must be

established beyond any reasonable doubt. The standard becomes even higher when the entire case of the prosecution necessarily rests on the

extra-judicial confession.Ã¢â‚¬â€œ

(emphasis supplied)

16. In view of above, prosecution has first to establish that EJC was voluntary and secondly establish that contents of confession were true and thirdly,

it should be supported by other material and should inspire confidence, which would essentially be matters for trial.

17. Without EJC, prosecution case as contended by learned counsel for petitioner would be heavily dependent on circumstantial evidence, which is

generally considered weak form of evidence to support conviction. Under above circumstances, and taking note of fact that petitioner has already

spent more than two years in custody in light of law laid down in case of Sanjay Chandra v. CBI, reported in (2012) 1 SCC 40, that purpose of bail

is only to secure appearance of accused at trial and cannot be either punitive nor preventative and deprivation of liberty must be considered a

punishment and that punishment begins only after conviction, point for consideration is answered in affirmative, albeit subject to conditions as per

following:

ORDER

Petition is allowed, petitioner/accused no.1 is ordered to be released on bail in SC no.5002/2022 pending before III Additional District and Sessions

Judge, Ballari, sitting at Hosapete [Crime no.165/2022 by Hagaribommalalli Police Station for offences punishable under Sections 302, 201 and 498A

of IPC], subject to following conditions:

- a) He shall execute a personal bond in a sum of Rs.1,00,000/- with two sureties for likesum to satisfaction of Court.
- b) He shall make himself available for purpose of investigation as and when required and co-operate with investigation.
- c) He shall not attempt to contact, threaten or tamper with or influence any of prosecution witnesses, either directly or indirectly.
- d) He shall not indulge in any criminal activities.
- e) He shall be regular in attending Court proceedings.
- f) It is clarified that views expressed herein are prima facie at this stage and shall not influence final outcome after trial.