

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1120/2021  
(@Petition for Special Leave to Appeal (Crl.) No.3426/2021)

VINOD MALALI

Appellant(s)

VERSUS

THE STATE OF KARNATAKA & ANR.

Respondent(s)

O R D E R

1. The Court is convened through Video Conferencing.
2. Leave granted.
3. The appellant is aggrieved with the impugned Order passed by the High Court of Karnataka, Dharwad on 2-3-2021 granting bail to Respondent No. 2 – herein (Accused No.4).
4. We find that the High Court by its subsequent Order dated 5-4-2021 has further relaxed the condition Nos. (i) and (ii) imposed upon Respondent No.2.
5. Heard learned counsel appearing for the appellant, learned counsel appearing for the State of Karnataka and learned counsel appearing for Respondent No.2 – Accused No.4 at a considerable length.
6. This Court vide Order dated 20-4-2021 granted permission to file the Special Leave Petition to the appellant as he was not a party before the High Court and issued notice in the matter.

7. The appellant – complainant herein is the husband of deceased Triveni.

8. The appellant and Triveni got married on 12-05-2020 at the Sub-Registrar's Office, Gangavati.

9. The appellant belongs to Reddy community and his wife Triveni belongs to Maratha community and the said marriage was an inter-caste marriage which was not accepted by the family members of his wife.

10. While Accused No. - 1 is the brother of deceased Triveni, Accused Nos. 2 and 3 and Accused no.4 (Respondent No.2 – in this Appeal) are the friends of Accused No. 1.

11. Accused No. 2 is the driver of Respondent No.2 (Accused No.4) who is reported to be absconding presently.

12. Accused No.3 - who is the Uncle of deceased Triveni is facing charge of giving bike to Accused Nos. 1 and 2 for commission of the offence.

13. After the marriage of the appellant with Triveni, Accused No.1 (brother of Triveni), Accused Nos. 5 to 7 (family members of Triveni) began to harass and pressurize her to desert her husband and come back to the family on the ground that she had married beneath her caste and dignity, which had become a slur on the family. However, the deceased Triveni refused to desert the appellant and continued to live with him.

14. Accused No.- 1 (brother of Triveni) became bitter and angry with his sister viz. Triveni and finally decided to murder the

appellant and her.

15. Respondent – 2 (Accused No.4) is the neighbour and friend of Accused No.1 and is alleged to have introduced Accused No.1 to Accused No.2, who is the driver of Respondent No.2 (Accused No.4).

16. As per the case of the prosecution, Accused No.1 hatched a conspiracy in collaboration with Accused Nos. 2 to 4 to commit the murder of the appellant and Triveni. Respondent No.2 (Accused No.4) had told Accused No.1 to pay an amount of Rs.2,00,000/- to Accused No.2 as per the Statement of Accused No.1 recorded by the police.

17. On the fateful day viz. 17-10-2020 when the appellant and his wife Triveni were proceeding home on their bike at about 6.45 p.m. in the evening, Accused Nos. 1 and 2 attacked the appellant and Triveni with Iron rods and assaulted both of them. While Accused No.1 assaulted the appellant, Accused No.2 assaulted Triveni and killed her on the spot. The appellant suffered grievous and critical head injuries and was admitted to the hospital.

18. We are of the considered opinion that the High Court was not justified in granting bail to Respondent No.2 - herein (Accused No.4) without considering the material evidence pointing towards the involvement of the said accused as the king-pin in the crime of honour killing and for committing heinous crime for the offences punishable under Sections 302, 307 and 109 read with Section 34 of the Indian Penal Code.

19. The High Court failed to appreciate that Respondent No.2 - herein (Accused No.4) was arrested on 23-10-2020 while he was

absconding and Accused No.2, who is Driver of Accused No.4, is still absconding.

20. The High Court has failed to appreciate the gravity of offence and the specific allegations that Accused No.1 in his statement to the Police has categorically named Respondent No.2 in the involvement of the crime and has said that he had given an amount of Rs.2,00,000/- to Accused No.2 on the instructions of Accused No.4.

21. The High Court has also erred in law in not considering the fact that the appellant being the eye witness to the commission of the crime is facing threat to his life and release of Respondent No.2 (Accused No.4) on bail has aggravated the threat to the life of the appellant.

22. In view of the above, we are of the considered opinion that the impugned Order passed by the High Court is not sustainable in the eyes of law and deserves to be set aside.

23. Ordered accordingly.

24. Respondent No.2 – Accused No.4 is directed to surrender before the concerned Trial Court within a period of one week from today, failing which the concerned Police Authorities shall take him into custody for the said purpose.

25. Meanwhile, if co-accused of Respondent No.2 have also been released on bail, the appellant or prosecution shall be at liberty to seek cancellation of their bail in accordance with law.

26. It is also clarified that Respondent No.2 - herein may renew his prayer for bail after the Statements of the appellant and other eye/vital witnesses are recorded. Any such application shall be decided in accordance with law, keeping in mind the time period within which the trial was likely to be concluded.

27. The Appeal filed by the complainant is allowed in the afore-stated terms.

.....CJI  
(N.V. RAMANA)

.....J  
(SURYA KANT)

.....J  
(HIMA KOHLI)

NEW DELHI;  
29TH SEPTEMBER, 2021.

ITEM NO.10

Court 1 (Video Conferencing)

SECTION II-C

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Crl.) No.3426/2021

(Arising out of impugned final judgment and order dated 02-03-2021 in CRLP No. 100354/2021 passed by the High Court of Karnataka Circuit Bench at Dharwad)

VINOD MALALI

Petitioner(s)

VERSUS

THE STATE OF KARNATAKA &amp; ANR.

Respondent(s)

Date : 29-09-2021 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s)

Mr. Anil V. Katarki, Adv.  
Mr. Anil C. Nishani, Adv.  
Ms. Veena Katarki, Adv.  
Mr. T. R. B. Sivakumar, AOR

For Respondent(s)

Mr. V. N. Raghupathy, AOR  
Mr. Md. Apzal Ansari, Adv.  
  
Mr. Chandrashekhhar A. Chakalabbi, Adv.  
Mr. Shiv Kumar Pandey, Adv.  
Mr. Awanish Kumar, Adv.  
Mr. Anshul Rai, Adv.  
Mr. Abhinav Garg, Adv.  
For M/s. Dharmaprabhas Law Associates, AOR

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

The Court is convened through Video Conferencing.

Leave granted.

The Appeal filed by the complainant is allowed in terms of the signed order.

Respondent No.2 – Accused No.4 is directed to surrender before the concerned Trial Court within a period of one week from today, failing which the concerned Police Authorities shall take him into custody for the said purpose.

(VISHAL ANAND)  
ASTT. REGISTRAR-cum-PS

(R.S. NARAYANAN)  
COURT MASTER (NSH)

(Signed Order is placed on the file)