



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF APRIL, 2025

BEFORE

THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 4873 OF 2025

BETWEEN:

SMT. KANAKA LAKSHMI B.M
W/O NAGESH BABU
AGED ABOUT 49 YEARS
WORKING AS DY.S.P
H AND B SECTION, C I D OFFICE
BENGALURU - 560 001, R/AT NO.304
CROWN LAKE VIEW APARTMENT
JAYANTHI NAGAR, HORAMAVU
BENGALURU - 560 043.

...PETITIONER

(BY SRI M.S. SHYAM SUNDAR, SRO. COUNSEL FOR
SRI SURYA MUKUNDARAJ L, ADV.)

AND:

1. STATE OF KARNATAKA
BY BANASHANKARI P.
(NOW BY THE CHIEF NVESTIGATION
OFFICE, SPECIAL INVESTIGATION
TEAM, BENGALURU)
REPRESENTED BY LD STATE PUBLIC
PROSECUTOR, HIGH COURT
BUILDING, COMPLEX
BENGALURU - 560 001.
2. SANGEETHA
NO.201, SIRIRASHI RESIDENCY
1ST CROSS, RAGAVENDRA LAYOUT
PADMANABHANAGARA
BENGALURU - 27.

...RESPONDENTS

(BY SRI VIJAYAKUMAR MAJEJE, ADDL. SPP;
SRI ARAVIND KAMATH P, ADV.)





THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNSS) PRAYING TO ENLARGE HER ON REGULAR BAIL IN CR.NO.338/2024 REGISTERED BY BANASHANKARI P.S. (NOW BY CHIEF INVESTIGATION OFFICER, SPECIAL INVESTIGATION TEAM, BENGALURU) FOR OFFENCE P/U/S 108 OF BNS, AND SEC. 7(a) OF P.C. ACT, WHICH IS NOW PENDING ON THE FILE OF THE HONBLE XXIII ADDL. CITY CIVIL AND SESSIONS JUDGE AND SPECIAL JUDGE (P.C. ACT) BENGALURU (CCH-24)

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Accused in Crime No.338/2024 registered by Banashankari Police Station, Bengaluru City, for the offences punishable under Section 7(a) of the Prevention of Corruption Act, 1988 and Section 108 of BNS, 2023, is before this Court under Section 483 of BNSS, 2023, seeking regular bail.
2. Heard the learned counsel for the parties.
3. FIR in Crime No.338/2024 was registered by Banashankari Police Station, Bengaluru City, for the aforesaid offences based on the first information dated 22.11.2024 received from Sangeetha S, sister of deceased Jeeva S. During



the course of investigation of the case, petitioner herein was arrested on 11.03.2025 and subsequently, remanded to judicial custody. Bail application filed by her before the jurisdictional Sessions Court in Cr.No.338/2024 was rejected on 28.03.2025. Therefore, she is before this Court.

4. Learned Senior counsel appearing on behalf of the petitioner having reiterated the grounds urged in the petition submits that material on record do not make out a *prima facie* case against the petitioner for the offence punishable under Section 108 of BNS, 2023. In the death note of the deceased, she has not made any allegation of demand for bribe by the petitioner and it is only an improvement by the defacto complainant. He submits that petitioner is a married lady working as Deputy Superintendent of Police, in the Office of CID at Bengaluru. Investigation in the case is already completed. Petitioner's custody is no more required. Accordingly, he prays to allow the petition.

5. Per contra, learned SPP for respondent No.1 and learned counsel for the defacto complainant/respondent No.2 have opposed the petition. They submit that the material on record



would go to show that deceased was harassed and ill-treated by the petitioner under the guise of interrogating her. Deceased has left a detailed death note which clearly makes out a case for the alleged offence against the petitioner. Petitioner is a Police Officer and therefore, the chances of she manipulating the records or tampering the prosecution witnesses cannot be ruled out. Learned SPP submits that eight departmental enquiries were held against the petitioner and she is also involved in two other criminal cases. Accordingly, they pray to dismiss the petition.

6. The material on record would go to show that deceased Jeeva was arraigned as an accused in Crime No.56/2023 registered for the offences punishable under Sections 406, 409, 420 read with Section 34 of IPC and Sections 13(1)(a) and 13(2) of the Prevention of Corruption Act, 1988, alleging that the accused persons had misappropriated several crores of rupees belonging to the Karnataka Bhovi Development Corporation and out of the said amount, a sum of more than Rs.10 crores allegedly was transferred to the account of the deceased. Petitioner was the Investigation Officer in Crime No.56/2023 and it appears that during the course of



investigation in Crime No.56/2023, enquiry notices were issued to deceased Jeeva and thereafter, she had approached this Court in CrI.P.No.8640/2023 and in the said proceedings, it appears that she had filed an affidavit making allegations against the petitioner and also had undertaken to cooperate for the purpose of investigation. This Court on 13.11.2024 had therefore, directed Jeeva (deceased) to appear before the petitioner for interrogation in Crime No.56/2023 for a period of one week commencing from 14.11.2024 to 23.11.2024 and the petitioner was advised to videograph the interrogation and place it before this Court thereafter. The allegation in the first information is that during the course of interrogation, petitioner had ill-treated and tortured the deceased and also had instigated and abetted her to commit suicide. It is alleged in the first information that petitioner had also demanded bribe from the deceased and therefore, deceased was constrained to commit suicide by leaving a death note of eleven pages wherein she has made allegations against the petitioner.

7. Deceased has committed suicide in her house on the early hours of 22.11.2024 by hanging herself. Since FIR was registered against the petitioner in Crime No.338/2024,



apprehending arrest in the case petitioner had filed Crl.P.No.13879/2024 before this Court and order sheet of this Court dated 24.01.2025 in Crl.P.No.13879/2024 would reflect that, the State after filing its statement of objections, had made a statement that there is no immediate apprehension of arrest of the petitioner. It appears that in the meanwhile, petitioner had filed Crl.P.No.12695/2024 with a prayer to quash the entire proceedings in Crime No.338/2024 and the said criminal petition was dismissed by the Co-ordinate Bench of this Court by order dated 04.12.2024 and a Special Investigation Team was appointed to take over the investigation in Crime No.338/2024 and it was also ordered that the investigation shall be concluded within an outer limit of three months from the date of its commencement and the Report shall be placed before the Court on its conclusion. Petitioner was subsequently arrested in the present case on 11.03.2025 and thereafter, the investigation is already completed and learned SPP has placed on record the draft charge sheet prepared in the present case which was also submitted before this Court in compliance of the order passed in Crl.P.No.12695/2024.



8. A perusal of the draft charge sheet would go to show that the alleged offence punishable under the provisions of the Prevention of Corruption Act, 1988, has been dropped against the petitioner and charge sheet is now prepared only for the offence punishable under Section 108 of BNS, 2023.

9. Section 108 of BNS, 2023, reads as follows:-

"108. If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

10. The transcription of the conversation between deceased, co-accused Yashaswini and the petitioner herein, during the course of interrogation in Crime No.56/2023 which was videographed in compliance of the orders passed by this Court in CrI.P.No.8640/2023 is made available to this Court and a perusal of the same, would go to show that there is no such material available in the said transcription of conversation which can be considered as an instigation or abetment for the deceased to commit suicide. It is alleged that recording of



videograph was stalled/stopped at different levels and allegation against the petitioner is that whenever she had physically tortured or ill-treated the deceased and the co-accused, recording of video was stopped. The same is only a assumption and at this stage, there is no concrete evidence in support of this allegation made against the petitioner.

11. Along with statement of objections filed by the State, psychological autopsy report of the deceased is also made available and about the psychological factor that triggered the deceased to commit suicide, it is stated in the report as follows:-

"Ms. Jeeva likely experienced feelings of entrapment from ideas of hopelessness and helplessness regarding the investigation proceedings. This was exacerbated by perceived threat to her future and perceived threat to her family's well-being, especially her sister getting embroiled in the current legal case. Feelings of degradation and injury to her dignity from shaming and humiliation could have fuelled her sense of injustice given her perception of her compliance and hopeful endurance in the investigation proceedings. She also reported experiencing psychological pain and distress from her wounded pride and prestige, especially when faced with moral injury to her dignity. Hence, she perceived suicide as not only an escape from her



feelings of entrapment and psychological pain, but also as a means to redeem the injustice she experienced in the investigation proceedings. However, she also experienced emotional ambivalence since she considered suicide as shameful and wished to die with dignity, and also felt apologetic about leaving her sister as the sole surviving member of the family. In her letter to her sister, she also expressed regret about unintentionally hurting her sister with her business."

12. For the purpose of attracting the offence punishable under Section 108 of BNS, 2023, the act committed by the accused should not only have a direct nexus with the deceased committing suicide, but such an act should have been committed immediately prior to the deceased committing suicide and such act should have either abetted, instigated or aided the deceased to commit suicide.

13. In the case of ***Patel Babubhai Manohardas and Others vs. State of Gujarat - 2025 SCC OnLine SC 503***, the Hon'ble Supreme Court has observed in paragraph Nos.20, 25 and 25.1 as under:-

"20. *Amalendu Pal alias Jhantu v. State of West Bengal is a case where this Court held that in a*



case of alleged abetment of suicide, there must be proof of direct or indirect act(s) of incitement to the commission of suicide. Merely on the allegation of harassment without there being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the deceased to commit suicide, conviction in terms of Section 306 IPC would not be sustainable. Similar view has been expressed by this Court in case of Ude Singh v. State of Haryana.

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25. *Prakash v. State of Maharashtra is a case where this Court after analysing various decisions on the point summed up the legal position in the following manner:*

14. Section 306 read with Section 107 of IPC, has been interpreted, time and again, and its principles are well established. To attract the offence of abetment to suicide, it is important to establish proof of direct or indirect acts of instigation or incitement of suicide by the accused, which must be in close proximity to the commission of suicide by the deceased. Such instigation or incitement should reveal a clear mens rea to abet the commission of suicide and should put the victim in such a position that



he/she would have no other option but to commit suicide.

25.1. *In the aforesaid judgment, this Court referred to its earlier decision in Sanju @ Sanjay Singh Sengar v. State of M.P. and held that in a given case, even a time gap of 48 hours between using of abusive language by the accused and the commission of suicide would not amount to a proximate act."*

14. In the case of **Ayyub and Others vs. State of Uttar Pradesh and Another - (2025) 3 SCC 334**, the Hon'ble Supreme Court has observed in paragraph No.20 as under:-

"20. *By a long line of judgments, this Court has reiterated that in order to make out an offence under Section 306IPC, specific abetment as contemplated by Section 107IPC on the part of the accused with an intention to bring about the suicide of the person concerned as a result of that abetment is required. It has been further held that the intention of the accused to aid or instigate or to abet the deceased to commit suicide is a must for attracting Section 306IPC (see Madan Mohan Singh v. State of Gujarat [Madan Mohan Singh v. State of Gujarat, (2010) 8 SCC 628 : (2010) 3 SCC (Cri)*



1048 : (2010) 2 SCC (L&S) 682]). Further, the alleged harassment meted out should have left the victim with no other alternative but to put an end to her life and that in cases of abetment of suicide there must be proof of direct or indirect acts of incitement to commit suicide (see *Amalendu Pal v. State of W.B.* [*Amalendu Pal v. State of W.B.*, (2010) 1 SCC 707 : (2010) 1 SCC (Cri) 896] and *M. Mohan v. State* [*M. Mohan v. State*, (2011) 3 SCC 626 : (2011) 2 SCC (Cri) 1] and *Ramesh Kumar v. State of Chhattisgarh* [*Ramesh Kumar v. State of Chhattisgarh*, (2001) 9 SCC 618 : 2002 SCC (Cri) 1088])."

15. In the case of ***Mahendra Awase vs. State of Madhya Pradesh - 2025 SCC OnLine SC 107***, the Hon'ble Supreme Court has observed in paragraph No.18 as under:-

"18. As has been held hereinabove, to satisfy the requirement of instigation the accused by his act or omission or by a continued course of conduct should have created such circumstances that the deceased was left with no other option except to commit suicide. It was also held that a word uttered in a fit of anger and emotion without intending the consequences to actually follow cannot be said to be instigation."



16. In the case of ***Jayedeesinh Pravinsinh Chavda and Others vs. State of Gujarat - (2025) 2 SCC 116***, the Hon'ble Supreme Court has observed in paragraph Nos.30 and 31 as under:-

"30. Therefore, for a conviction under Section 306 IPC, there must be clear evidence of direct or indirect acts of incitement to commit suicide. The cause of suicide, especially in the context of abetment, involves complex attributes of human behaviour and reactions, requiring the court to rely on cogent and convincing proof of the accused's role in instigating the act. Mere allegations of harassment are not enough unless the accused's actions were so compelling that the victim perceived no alternative but to take their own life. Such actions must also be proximate to the time of the suicide.

31. The court examines whether the accused's conduct, including provoking, urging, or tarnishing the victim's self-esteem, created an unbearable situation. If the accused's actions were intended only to harass or express anger, they might not meet the threshold for abetment or investigation. Each case demands a careful evaluation of facts,



considering the accused's intent and its impact on the victim.

17. In the case of ***Nipun Aneja and Others vs. State of Uttar Pradesh - 2024 SCC OnLine SC 4091*** the Hon'ble Supreme Court has observed in paragraph No.19 as under:-

"19. This Court in Ude Singh v. State of Haryana, (2019) 17 SCC 301, held that in order to convict an accused under Section 306 of the IPC, the state of mind to commit a particular crime must be visible with regard to determining the culpability. It was observed as under:—

"16. In cases of alleged abetment of suicide, there must be a proof of direct or indirect act(s) of incitement to the commission of suicide. It could hardly be disputed that the question of cause of a suicide, particularly in the context of an offence of abetment of suicide, remains a vexed one, involving multifaceted and complex attributes of human behavior and responses/reactions. In the case of accusation for abetment of suicide, the Court would be looking for cogent and convincing proof of the act(s) of incitement to the commission of suicide. In the case of suicide, mere allegation of harassment of the deceased by another person would not suffice unless there be such action on the part of



the accused which compels the person to commit suicide; and such an offending action ought to be proximate to the time of occurrence. Whether a person has abetted in the commission of suicide by another or not, could only be gathered from the facts and circumstances of each case.

16.1. For the purpose of finding out if a person has abetted commission of suicide by another; the consideration would be if the accused is guilty of the act of instigation of the act of suicide. As explained and reiterated by this Court in the decisions above referred, instigation means to goad, urge forward, provoke, incite or encourage to do an act. If the persons who committed suicide had been hypersensitive and the action of accused is otherwise not ordinarily expected to induce a similarly circumstanced person to commit suicide, it may not be safe to hold the accused guilty of abetment of suicide. But, on the other hand, if the accused by his acts and by his continuous course of conduct creates a situation which leads the deceased perceiving no other option except to commit suicide, the case may fall within the four-corners of Section 306 IPC. If the accused plays an active role in tarnishing the self-esteem and self-respect of the victim, which eventually draws the victim to commit suicide, the accused may be held



guilty of abetment of suicide. The question of mens rea on the part of the accused in such cases would be examined with reference to the actual acts and deeds of the accused and if the acts and deeds are only of such nature where the accused intended nothing more than harassment or snap show of anger, a particular case may fall short of the offence of abetment of suicide. However, if the accused kept on irritating or annoying the deceased by words or deeds until the deceased reacted or was provoked, a particular case may be that of abetment of suicide. Such being the matter of delicate analysis of human behaviour, each case is required to be examined on its own facts, while taking note of all the surrounding factors having bearing on the actions and psyche of the accused and the deceased.”

18. Petitioner herein is a married lady, who is serving as Deputy Superintendent of Police in CID, Bengaluru. Learned SPP has fairly brought to the notice of this Court that investigation of the case is already completed and draft charge sheet is prepared and submitted before this Court in compliance of the order passed in CrI.P.No.12695/2024. He also has submitted that State Government has also granted sanction as provided under Section 218 of BNSS, 2023, to



prosecute the petitioner and therefore, charge sheet will be filed before the jurisdictional Court forthwith. The maximum punishment for the alleged offence is imprisonment for a period of ten years. Since the petitioner is a Government Servant there cannot be any apprehension that she is likely to flee away from justice. Deceased who was an accused in Crime No.56/2023 wherein allegation was made against her and her friend Yashaswini of misappropriating huge sum of more than Rs.10 crores, has committed suicide alleging that she was ill-treated by the Investigation Officer during the course of interrogation. First informant is the sister of the deceased and it appears that huge amount was transferred even to the account of the first informant Sangeetha from the account of Karnataka Bhovi Development Corporation. Deceased had appeared for interrogation armed with an order from this Court and if there was any excuse during the course of interrogation, the same could have been always brought before this Court. Psychological Autopsy Report suggests deceased was concerned about her sister getting embroiled in the Bhovi Development Corporation case. Investigation in the present case is now completed and charge sheet is already prepared.



Considering the aforesaid aspects of the matter and also having regard to the Proviso to Section 480(1) of BNSS, 2023, I am of the opinion that the prayer made by the petitioner for grant of regular bail needs to be answered affirmatively. Accordingly, the following order:-

19. The petition is allowed. The petitioner is directed to be enlarged on bail in Crime No.338/2024 registered by Banashankari Police Station, Bengaluru City, for the offences punishable under Section 7(a) of the Prevention of Corruption Act, 1988 and Section 108 of BNS, 2023, subject to the following conditions:

- a) Petitioner shall execute a personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum, to the satisfaction of the jurisdictional Court;
- b) The petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts her appearance for valid reasons;
- c) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;



d) The petitioner shall not involve in similar offences in future;

**Sd/-
(S VISHWAJITH SHETTY)
JUDGE**

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