

KAMS010056862026



**IN THE COURT OF THE
V ADDITIONAL DISTRICT AND SESSIONS
JUDGE, AT MYSURU.**

Dated this the 11th day of August, 2026

**PRESENT: SRI P.J.SOMASHEKAR, B.A.,LL.M.,
V ADDL.DISTRICT & SESSIONS JUDGE,
MYSURU.**

Crl.Misc./1248/2026

Petitioners:

1. Sherin Taj W/o Jasimulla B.K,
aged about 63 years.

2. Jasimulla B.K S/o Khasim baig,
aged about 73 years.

Both are R/at #490, LIG-2, 13th
Cross, 2nd Stage, Khairulwara
Masjid, Rajiv Nagar,
Mysuru-570019.

(By Smt. Ayisha sulthana- Adv)

V/s.

Respondent:

State by Women PS, Mysuru.

[By Public Prosecutor, Mysuru]

ORDERS ON BAIL PETITION FILED
UNDER SECTION 482 OF BNSS, 2023

This is a petition U/Sec.482 of BNSS, 2023 filed by the petitioners and sought for release them on bail in the event of their arrest by the respondent police in Cr.No.84/2026 for the offences punishable under Sec.85, 351(3) R/w Sec.3(5) of BNS, 2023 and Sec.4 of D.P Act.

2. **Nutshell of the petition are as under:**

The learned counsel for the petitioners in the petition has alleged the Respondent Police have registered the case against the petitioners in their police station Cr.No.84/2026 for the offences punishable under Sec.85, 351(3) R/w Sec.3(5) of BNS, 2023 and Sec.4 of D.P Act based on the false complaint filed by Masiha Khanum W/o Mohammad Rafiq, 34 years, R/at #2458/1, Lashkar Mohalla, Mysuru City stating that her marriage was taken place with Mohammad Rafiq on 19.04.2015 at Taj Function hall at Mysuru and her parents were spent Rs.10 lakhs to perform her marriage with Mohammad Rafiq and they have given all the house hold articles, out of their wedlock 2 children were born namely Mohammed Ridwan and Mohammed Rehan and

her husband Mohammed Rafiq working at Abud Abi oil and gas company and he use to coming to India yearly 4 to 5 times. Prior to her marriage though her husband has informed that he has completed the B.Tech education after coming to know that he has not studied degree and after the marriage has demanded to bring the dowry from her parents house and demanding her to insist her parents to give car and cash and subjecting her mentally and physically in connection of the dowry. In the month of April 2025 had been to Abud Abi stayed with her husband and her husband having the illicit relationship and her husband took up the quarrel and demanding the property papers and assaulted in his hands neighboureres were called the police and the police came to the house and enquired them and case was came to be registered against her husband, thereafter she went to Mysuru along with children. Though, the parents of her husband were assured to lookafter her properly and to withdraw the complaint filed at Abudabi, thereby she has withdraw the said case. The petitioners were subjecting her mentally and physically in connection of dowry and threatened to take away her life and her husband blocked her mobile number and subjecting her mentally and physically in connection of dowry so case was came to be

registered against the petitioners. Thereby the petitioners were apprehending in the hands of the respondent police and filed the instant petition on the following

GROUND

1. The petitioners are innocent of the offence as alleged against them and never done anything as alleged in the complaint they are the peaceful living citizens.
2. The petitioners are law abiding citizens at most respect for the law of the land, even though they have been falsely implicated only with an intention to harass them.
3. The petitioners are from respectable family having a strong roots in the society and the petitioners are the residents of Mysuru town and the offences which alleged though non bailable in nature but same are not punishable either life or death.
4. The petitioners are ready to abide by the conditions which may be imposed by this court and ready to furnish the surety to the satisfaction of the court and prays for allow the petition.

3. In response to the notice, the learned Public Prosecutor appeared and filed the objections stating that, the bail petition which filed is not maintainable either in law or on facts and the investigation is under progress and the petitioners were committed the offences against the woman. If the petitioners were released on bail there is a chances of tampering and hampering the prosecution witnesses and there is a chances of absconding from the jurisdiction of the Court and prays for reject the bail petition.

4. Heard the arguments of both sides.

5. The points that arise for Court consideration are:

1. Whether the petitioners are entitled for anticipatory bail at this stage as sought for?

2. What Order?

6. My answer to the aforesaid points are:

Point No.1: **In the Affirmative**

Point No.2: As per the final order,
for the following;

REASONS

7. **Point No.1** : Before embarking on Point No. 1 it is just and necessary to narrate the gist of the case for the proper appreciation of the point No.1 as the Complainant namely Masiha Khanum W/o Mohammad Rafiq has filed the complaint in the complaint has stated that, her marriage was taken place on 19.04.2015 at Taj Function hall Mysuru town at the time of marriage her parents had spent Rs.10 lakhs for her marriage out of their wed lock 2 children were born and petitioners were subjecting her mentally and physically on the ground of dowry and her husband having the illicit relationship and took her to Abud Abi wherein also subjecting her mentally and physically on the ground of dowry though they came to India and all the petitioners were subjecting her mentally and physically and threatened to take away her life thereby case has been registered against the petitioners. The petitioners were apprehending in the hands of the respondent police and filed the instant petition.

8. The learned Counsel for the Petitioners in his arguments has submitted that, the petitioners are innocent

and law abiding citizens and they have not committed the offences which alleged against them, but falsely implicated only with an intention to harass the petitioners. Though, the offences which alleged against the petitioners are non-bailable in nature triable by Magistrate court which are neither punishable for life nor death and the petitioners are hails from respectable family having a deep root in the society and they are ready to abide the conditions which may imposed by this Court and ready to furnish the surety to the satisfaction of the Court and prays to allow the petition.

9. Per contra, the learned Public Prosecutor in his arguments has submitted that the bail petition which filed is not maintainable either in law or on facts and the petitioners committed the offences against the woman, on this ground alone, the petitioners are not entitle for bail at this stage and the offences which alleged against the petitioners are non-bailable in nature. If the petitioners are released on bail there is a chances of tampering and hampering prosecution witnesses and there is a chances of absconding from the jurisdiction of the court and they are not entitle the bail as sought for and prays for reject the bail petition.

10. It is an admitted fact case was came to be registered on the basis of the complaint which filed by the complainant, according to her that her marriage was taken place with Mohammad Rafiq on 19.04.2015 at Taj Function hall at Mysuru and her parents were spent Rs.10 lakhs to perform her marriage with Mohammad Rafiq and they have given all the house hold articles, out of their wedlock 2 children were born namely Mohammed Ridwan and Mohammed Rehan and her husband Mohammed Rafiq working at Abud Abi oil and gas company and he use to coming to India yearly 4 to 5 times. Prior to her marriage though her husband has informed that he has completed the B.Tech education after coming to know that he has not studied degree and after the marriage has demanded to bring the dowry from her parents house and demanding her to insist her parents to give car and cash and subjecting her mentally and physically in connection of the dowry in the month of April 2025 had been to Abud Abi stayed with her husband and her husband having the illicit relationship and her husband took up the quarrel and demanding the property papers and assaulted in his hands neighboureres were called the police and the police came to the house and enquired them and case was came to be registered against

her husband, thereafter she went to Mysuru along with children. Though, the parents of her husband were assured to look after her properly and to withdraw the complaint filed at Abudabi, thereby she has withdrawn the said case. The petitioners were subjecting her mentally and physically in connection of dowry and threatened to take away her life and her husband blocked her mobile number and subjecting her mentally and physically in connection of dowry so case was came to be registered against the petitioners, but at this stage court cannot conduct a mini trial to know whether the petitioners have committed the offences or not as it requires full pledged trial. At this stage, court has to consider only prima facie materials to know the guilt of the petitioners, but at this stage the prosecution has not placed any materials on record to show that there are reasonable grounds to believe the guilt of the petitioners.

11. It is an admitted fact the respondent police have registered the case against the petitioners for the offence punishable under Sec.85, 351(3) R/w 3(5) of BNS and Sec.4 of D.P Act. Sec. 85 of BNS is non-bailable offence. Thus, this court drawn its attention on the judgment of ***Hon'ble High Court of Karnataka passed in Criminal Petition***

No.5021/2025 in between Mallikarjunaiah.K. V/s State of Karnataka by Malur police station in the said order the petitioner being the accused filed the case against him in Crime No.10/2025 for the offence punishable under Sec. 85, 352, 115(2), 118(1), 351(2) R/w Sec. 3(5) of BNS, 2023 and Sec. 3 and 4 of D.P. Act and the very petitioner filed criminal Mis.No.85/2025 before the jurisdictional sessions Court which came to be rejected i.e., that the reason why his lordship held that the petitioner has no criminal antecedent and he has undertaken to co-operate with the police for the purpose of investigation and there is a family dispute in between them. In the instant case, also the complainant in the complaint has stated that the petitioner No.1 has subjecting her mentally and physically therefore, the principles laid down in the above said order is applicable to the case on hand.

12. It is an admitted fact the respondent police have registered the case for the offence punishable Sec.85, 351(3) R/w Sec.3(5) of BNS, 2023 and Sec.4 of D.P Act, admittedly the offence under section 85 BNS for imprisonment of three years, which is less than 7 years imprisonment. Thus this Court drawn its attention on the

Judgment of the ***Hon'ble Supreme Court of India reported in 2021 SCC online SC 922 in between Satender Kumar Antil V/s Central Bureau Of Investigation and another.*** In the said Judgment their lordship held if bail application are pertaining to cases where the punishment is provided upto 7 years of imprisonment the same may be disposed off without taking accused into custody and their Lordship categorized the offences as mentioned below:-

a) Offences punishable with imprisonment of 7 years or less not falling in category B & D.

(b) Category offences punishable death imprisonment for life or imprisonment for more than 7 years.

(c) Offences punishable under Special Acts containing stringent provisions for bail like NDPS, PMLA, UAPA, Companies Act, etc. Economic offences not covered by Special Acts.

In the instant case also the offences which alleged against the Petitioner less than 7 years, therefore, above Judgment is applicable to the case on hand.

13. The learned Public Prosecutor while canvassing his arguments has much argued that, the petitioners have committed the offences against the woman, thereby the Petitioners are not entitled the relief as sought for. Thus, this Court drawn its attention on the Judgment of the **Hon'ble High Court of Karnataka** passed in **Crl.P.No.2743/2025** in between **Narayana Reddy and Others V/S State by Pavagada police** in the said judgment initially the petitioner filed the petition under Sec.438 of Cr.P.C and sought for Anticipatory bail for the offences punishable under Sec.115(2), 117(2), 54, 133, 324(4), 351(2), 352, 109 R/w Sec.190 of BNS., and said petition was came to be rejected by the jurisdictional Sessions Court feeling aggrieved by the said order approached the Hon'ble High Court and in the said judgment his Lordship held that none of the accused persons have any criminal antecedents, admittedly the prosecution has not placed any materials on record to show that the petitioners having any criminal antecedents and moreover, the offences

which alleged against the petitioners less than 7 years imprisonment. Thus, considering the apprehension of the prosecution and the materials on record it is just and necessary to allow the petition by imposing stringent conditions it will meet the ends of justice. Hence, I am of the opinion that the Point No.1 is answered in the **Affirmative**.

14. **Point No.2** : In view of my answer to the Point No.1 as stated above, I proceed to pass the following;

ORDER

Bail petition filed under Sec.482 of BNSS by the petitioners are hereby **Allowed**.

The petitioners are ordered to be released on bail in the event of their arrest by the Respondent Police, if not required in relation to any other offence, in Cr.No.84/2026 for the offences punishable under Sec.85, 351(3) R/w Sec.3(5) of BNS, 2023 and Sec.4 of D.P Act on their executing personal bond of Rs.50,000/- each with one surety for like-sum on the following:

::CONDITIONS::

1. The petitioners shall not directly or indirectly make any inducement, threat, promise to any person acquainted with the facts of the case, so as to dissuade them from disclosing the facts to Court or any police officer.
2. The petitioners shall not abscond from the ordinary residence and should furnish the address proof to the concerned police.
3. The petitioners shall appear before the I.O. within 10 days from the date of this order.
4. The petitioners shall mark their attendance before the I.O in between 10.00 a.m., to 6.00 p.m., once in a week till filing of charge sheet or till further orders which ever is earlier.

If any of the above conditions violated, the IO is at liberty to move for cancellation of bail.

[Dictated to the Stenographer Grade-III, corrected and typed by her and then pronounced by me in the Open Court, on this the **11th day of August 2026**].

[P.J. Somashekar],
V Addl. District & Sessions Judge,
Mysuru.