

KABK220000412026



Crl.Misc./10004/2026

**IN THE COURT OF THE III ADDL. DISTRICT &
SESSIONS JUDGE, BAGALKOTE, SITTING AT: MUDHOL**

PRESENT

SRI. GURURAJ G. SHIROL,

B.Com., LL.M.,

**III Additional District & Sessions Judge,
Bagalkote, sitting at Mudhol**

Crl. Misc. No.10004/2026

Dated this the 7th day of March-2026

PETITIONERS:

1. Praveenkumar S/o Prabhakar Pawar @ Karabari,
Age: 35 years, Occ: Engineer,
R/o: Ward No.10, Near Durga Veehar, Mahaveer
Road, Bagalkot, Tq & Dist: Bagalkot.
2. Prabhakar S/o Amarappa Karabari,
Age: 60 years, Occ: Retired School Teacher,
R/o: Ward No.10, Near Durga Veehar, Mahaveer
Road, Bagalkot, Tq & Dist: Bagalkot.
3. Smt. Lalitabayi W/o Prabhakar Karabari,
Age: 55 years, Occ: Housewife,
R/o: Ward No.10, Near Durga Veehar, Mahaveer
Road, Bagalkot, Tq & Dist: Bagalkot.
4. Smt. Pushpa W/o Devaraj Lamani @ Pawar,
Age: 34 years, Occ: Govt Employee,
R/o: Ward No.10, Near Durga Veehar, Mahaveer
Road, Bagalkot, Tq & Dist: Bagalkot.
5. Smt. Netra W/o Shashidhar Rathod,

@ Netravati D/o Prabhakar Pawar,
Age: 31 years, Occ: Police Sub-inspector,
R/o: Ward No.10, Near Durga Veehar, Mahaveer
Road, Bagalkot, Tq & Dist: Bagalkot.

(By Sri.S.C.Ullagaddi Advocate)

V/s.

RESPONDENT:

1. The State of Karnataka,
through Lokapur P.S.
R/by Public Prosecutor, Mudhol

(By Learned Public Prosecutor, Mudhol)

ORDER

The petitioners have filed this petition under section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant them anticipatory bail in Lokapur P.S Cr. No.08/2026 for the offences punishable U/s 85, 352, 351(2) r/w 190 BNS-2023 ad Section 3 & 4 of Dowry Prohibition Act.

2. Facts leading to petition are as under:

The complainant lodged the complaint alleging that, accused No-1 is her husband 2 to 3 are her father-in-law, mother-in-law and accused No-4 & 5 are her sisters in law. Her marriage was solemnized on 06.06.2025 at Guddad Siddeshwar temple of Lavaleshwar Tanda. After marriage she started living in her in-laws house. For one month she lead a

happy married life. But thereafter the accused persons started abusing her in filthy words and torturing her mentally stating that, she does not know work, she does not know how to cook. They also demanded dowry of Rs. 5 lakhs. Despite request by father of the complainant, the accused persons continued the same attitude. One month thereafter the father of the complainant got them advised from elders Pomasing Karabhari, Keshav Goudar and Ravichandra Pujari. But the accused persons did not heed to their advise. On 25.08.2025 the father-in-law of the complainant called the father of the complainant and sent the complainant to her house to stay for few days and come back. Thereafterwards the accused persons did not come to take her to her in-laws house. On 19.01.2026 the father of the complainant took her to her in-laws house and requested them to take her to her house. The accused persons asked him as to whether he has brought additional dowry of Rs.5 lakhs. When father of the complainant answered in the negative, they abused him as ಬೋಳಿ ಮಗನೆ and threatened to kill her if he leaves the complainant in the house. They teased her telling that she was not beautiful, she does not know household work and she does not know how to cook.

On these allegations the complainant lodged the complaint which was registered in Crime No.08/2026 of Lokapur P.S for the above offences. Apprehending their arrest in this case the petitioners have moved this petition on the following grounds.

3. Grounds for bail:-

- i) *The petitioners are the innocent persons and they are from family of good reputation in society and they have not committed any such offences as alleged by the complainant.*
- ii) *The complaint against the petitioners is false and linked through the imaginary situation of probabilities and conjectures. That the said FIR arises out of a purely matrimonial dispute between the petitioner No.1, and the complainant, who is the legally wedded wife of the petitioner No.1.*
- iii) *That the petitioners have never demanded dowry, nor subjected the complainant to cruelty. The allegations are general, omnibus, and without specific dates, time, place of instances, or corroborative material.*

- iv) *That arrest of the petitioners would cause irreparable injury to their reputation, career, and Govt services, which would amount to undue hardship and injustice.*
- v) *The allegations are vague, general in nature, and unsupported by any independent evidence. That the petitioner No.4 and 5 are public servants, having deep roots in society, a permanent place of residence, and are not likely to abscond or evade the process of law.*
- vi) *On the grounds and guidelines provided by Hon'ble apex court in Arnesh Kumar Vs. State of Bihar judgment, petitioners are entitled for grant of Pre-arrest bail, this is classic example for, false and vexatious criminal cases arisen from matrimonial disputes. That women/complainant using advantage and due process of laws, started to harass the petitioners.*

On these grounds, the petitioners pray to enlarge them on bail.

4. Objections of Prosecution:

The learned Public Prosecutor filed objection denying the contentions of the petitioners. Learned PP reiterates the complaint averments. The case is under investigation and the petitioners are released on bail they may again indulge in similar crimes, they may tamper with the prosecution witnesses and may flee from justice. On these grounds, the prosecution prays for rejection of the petition.

5. I.O. also submitted his report.

6. Heard arguments of learned counsel for the petitioners and learned public prosecutor for the prosecution. Perused the case records.

7. Now, the following points arise for consideration of this court:

1. ***Whether the petitioners are entitled for bail?***
2. ***What order?***

8. On the basis of the materials on record, above points are answered as under:

1. ***In the Affirmative***
2. ***As per final order for the following:***

REASONS

9. POINT NO.1:- On perusal of the copy of the FIR and complaint, the offences alleged are U/s 85, 352, 351(2) r/w 190 BNS-2023 and Section 3 & 4 of Dowry Prohibition Act. None of the offences are punishable with 'death or imprisonment for life'.

10. On careful perusal of the complaint the marriage has taken place just an year before. The complaint averments do not indicate that, there was any visible physical injury though the complainant alleges mental and physical torture. There is no allegation regarding dragging out the complainant out of the house. Only there are allegations of mental torture and demand for dowry which can be easily alleged without there being any proof. Therefore, at this juncture reading of the prima facie material record does not indicate that, the offence is so grave so as to reject the bail petition. A possibility of a trivial dispute being blown out of proportion cannot be ruled out. If the bail petition is rejected, the petitioners may be arrested resulting in escalation of the ill will started between them to a higher level completely breaking down their relationship. If it escalates to that level then both the families

will suffer. It appears to be in initial stage and if an effort is made to reconcile between them, the disputes can be resolved and they can get united. This is more so because as per the report of the investigating officer, petitioner No-5 is working as PSI , petitioner No-4 is working in CDPO office which are duty bound to protect the interest of the helpless women.

11. Regarding the approach of the courts in dealing with the cases involving matrimonial disputes, Hon'ble Supreme court in **K. Srinivas Rao vs D.A. Deepa** reported in **AIR 2013 SUPREME COURT 2176** has held as under:

a) In terms of [Section 9](#) of the Family Courts Act, the Family Courts shall make all efforts to settle the matrimonial disputes through mediation. Even if the Counsellors submit a failure report, the Family Courts shall, with the consent of the parties, refer the matter to the mediation centre. In such a case, however, the Family Courts shall set a reasonable time limit for mediation centres to complete the process of mediation because otherwise the resolution of the disputes by the Family Court may get delayed. In a given case, if there is good chance of settlement, the Family Court in its discretion, can always extend the time limit.

b) The criminal courts dealing with the complaint under [Section 498-A](#) of the IPC should, at any stage

and particularly, before they take up the complaint for hearing, refer the parties to mediation centre if they feel that there exist elements of settlement and both the parties are willing. However, they should take care to see that in this exercise, rigour, purport and efficacy of [Section 498-A](#) of the IPC is not diluted. Needless to say that the discretion to grant or not to grant bail is not in any way curtailed by this direction.

In view of this the parties were referred to mediation. But the report of the mediation center shows that, mediation did not materialize. The appearance of the petitioner before the mediation center shows that, he is ready to abide by the conditions imposed. There is no allegation from the prosecution that subsequent to interim bail the accused persons/petitioners violated any of the conditions. They are ready to abide by the conditions imposed and ready to offer surety to the satisfaction of the court. Therefore this court is of the considered opinion that, the petitioners are entitled to anticipatory bail. Accordingly point No-1 is answered in the **Affirmative.**

12. POINT No.2:- In view of finding on point No.1, the court proceeds to pass the following:

ORDER

The application filed by the petitioners U/s 482 of BNS-2023 is hereby allowed.

*In the result, the petitioners/**Accused No-1 to 5** are directed to be released on anticipatory bail in the event of their arrest in Mudhol PS Crime. No.08/2026 for the offences punishable U/s 85, 352, 351(2) r/w 190 BNS-2023 ad Section 3 & 4 of Dowry Prohibition Act on executing personal bond for a sum of Rs.1,00,000/-each with one surety for the like sum, to the satisfaction of concerned Investigating Officer subject to the following conditions:*

- 1 They shall surrender before the Investigating Officer within 15 days from today.*
- 2. They shall not tamper with the prosecution witnesses.*
- 3. They shall not commit any offence in future.*
- 4. They shall co-operate with the investigating officer in investigation/ enquiry.*
- 5. The Petitioner/ Accused No- 1 & 2 shall mark their attendance before the IO on every Sunday between 10:00AM to 5:00PM till filing of charge sheet or 60 days whichever is*

earlier.

(Dictated to the Stenographer directly on computer and typed by him and corrected, signed and then pronounced by me in the Open Court on this 7th day of March-2026).

Sd/-
(GURURAJ G. SHIROL)
III Addl. District & Sessions Jud
Bagalkote, sitting at Mudhol.