

Presented on : 02.06.2026
Registered on : 03.06.2026
Decided on : 18.06.2026
Duration : 16 days.

**IN THE COURT OF I ADDITIONAL DISTRICT AND
SESSIONS JUDGE, BENGALURU RURAL DISTRICT,
BENGALURU**

Dated this the 18th day of June, 2026

:PRESENT:

Shri. Mohammed Mujeer Ulla C.G.,
B.A. LL.B,
II Additional District and Sessions Judge,
&
C/C I Additional District and Sessions Judge
Bengaluru Rural District, Bengaluru.

Criminal Miscellaneous No.1117/2026

Petitioner : Kiran.S,
S/o. Sidappa,
Aged about 26 years,
R/at No. 2834, 5th Main,
Banashankari 2nd Stage,
Bengaluru - 560 070.

(Repted. by Sri. Harish Prabhu.S, Adv.)

Vs.

Respondent : The State through Byadarahalli
Police Station
(Represented by the learned
Public Prosecutor)

ORDER

Petitioner has filed the instant petition U/Sec.483 of BNSS, 2023 (Section 439 of Cr.PC) seeking regular bail in Crime No.272/2026 of Byadarahalli Police Station for the offences punishable U/Sec.108, 85 r/w 3(5) of BNS.

2. The learned Public Prosecutor has filed objections.
3. Heard the arguments on both side and perused record.
4. The Points for consideration are:
 1. Whether the petitioner is entitle for regular bail?
 2. What order?
5. My findings on the above points are as under:

Point No.1: In the Affirmative

Point No.2. As per final order

For the following;

REASONS

6. **Point No.1:-** In the complaint, it is stated that the petitioner / accused No.1 is the son-in-law of the complainant. The marriage of complainant's daughter Hamsa and accused No.1/ petitioner took place on 05.03.2026. It was love marriage. The complainant and his

family members did not attend the said marriage. After marriage, when the complainant's daughter Hamsa was leading marital life with her husband accused No.1, she came to know that accused No.1 was having extra marital relationship with other girls. When the complainant's daughter Hamsa questioned her husband the petitioner regarding the said extra marital relationship, he was quarreling with her, abusing in filthy language and also subjecting her to physical cruelty. The complainant's daughter was informing the said fact to her father, the complainant. On 29.05.2026 at about 4.30 am, the accused No.1 / petitioner and his wife Hamsa came to the complainant's house. Hamsa told her father the complainant that her husband, accused No.1/ petitioner was having extra marital relationship with other girls. In this regard, they had a discussion in the house of one Nanditha. Despite the said Nanditha convinced the petitioner/ accused No.1, he did not agree to cut of his relationship with other girls. Further, Hamsa told the complainant that whenever she was questioning her husband regarding the said extra marital relationship, he

and also his mother accused No.2 were quarreling with her, assaulting with hands and finally they removed her from their house. In the complaint, it is stated that in the house of the complainant also, the petitioner / accused No.1 spoken with loud voice and went away at 5.35 am. After the petitioner left, the complainant's daughter was very much depressed. She went inside the room and committed suicide by hanging to the ceiling fan. In the complaint, it is stated that at the time of committing suicide, Hamsa was pregnant of two months. Despite she was a pregnant of two months, the petitioner and her mother accused No.2 subjected her to physical and mental cruelty. In view of petitioner was having illicit relationship with other girls and in that regard, he and his mother were quarreling with Hamsa, abusing her, subjecting her to physical and mental cruelty and finally removed her from the matrimonial home. In view of the above all, Hamsa was fed up, depressed and therefore, she committed suicide in her parents' house. Therefore the accused committed offences punishable U/Sec.108, 85 r/w 3(5) of BNS.

7. A perusal of record would show that on the basis of the complaint alleged to have been given by the complainant Mahesh, the father of the deceased, the SHO of Byadarahalli police station registered FIR in Crime No. 272/2026 for the offences punishable U/Sec.108, 85 r/w 3(5) of BNS.
8. During the course of investigation, the police arrested the petitioner / accused No.1 on 30.05.2026 and produced him before the jurisdictional Magistrate. The Jurisdictional Magistrate remanded him to judicial custody. Since then, he is behind the bars. He filed the instant petition seeking bail.
9. The learned counsel for petitioner has strenuously contended that from the fact stated in the complaint would show that after the complainant came to know that his daughter deceased Hamsa was in love with petitioner, he gave complaint to the Byadarahalli police station. The police secured the presence of Hamsa and the petitioner. Before the police, Hamsa told that she was loving the petitioner and she will marry him. He would submit that the petitioner and

deceased Hamsa were loving each other and thus they performed marriage by giving invitation to complainant and his family members. The complainant and his family members did not attend the marriage. He would submit that after marriage, petitioner and his wife Hamsa were leading happy marital life. During the said period, Hamsa was conceived. He would submit that the fact that the petitioner went along with his wife Hamsa to the house of complainant on 29.05.2026 would show that he was loving his wife. He would submit that there may be some differences between the petitioner and his wife Hamsa but the said differences and the alleged harassment are not of such a nature which lead or compel Hamsa to commit suicide. He would submit that in the complaint, it is stated that after marriage, when Hamsa was calling her parents and informing about her dispute with the petitioner, they were not responding properly. They were telling that she performed marriage by loving the petitioner and therefore she has to face the consequences. He would submit that the deceased

committed suicide in the house of her parents. The petitioner did not know what happened in the house of the complainant after he dropped his wife to her parents house. He would submit that if the alleged harassment and ill treatment by the accused was of such a nature, the deceased would have no option except to commit suicide, she could have committed suicide in her matrimonial home. He would submit that the fact that the deceased committed suicide in her parents house after 5-6 hours the petitioner left her to the said house would show that there is no proximity or link between the alleged harassment by the petitioner and the deceased committing suicide. He would submit that from the facts stated in the complaint would show that the petitioner did not use any weapon to assault the deceased. The incident in question was occurred in the house of the complainant. When such is the case, nothing is required to be seized from the petitioner or his mother accused No.2 to complete the investigation. He would submit that the petitioner is leading life by doing work in a Jewellery shop. He has to take care of

his old age mother accused No.2. On the request of the police, the petitioner was remanded to judicial custody. This would show that the custodial interrogation of the petitioner is not required to complete the investigation. On these and other grounds, the learned counsel for the petitioner prays to grant bail to the petitioner. In support of his arguments, he placed reliance on the judgment of the **Hon'ble Supreme Court of India in Case of Abhinav Mohan Delkar V/s The State of Maharashtra and others**. In the said judgment, the Hon'ble Supreme Court of India has opined as under

‘The test is whether accused intended by his action to drive victim to 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 person to commit suicide, conviction in terms of Section 306 IPC is not sustainable- A ‘live link’ or ‘proximate trigger’ is essential to connect accused’s actions to the suicide’.

10. The learned PP has strenuously contended that the investigation is at a preliminary stage. Investigation Officer has yet to record the statements of witnesses. Therefore, at this stage, if the bail is granted to the petitioner, he may tamper the prosecution witnesses and also flee from justice. He would submit that having regard to the nature and gravity of the offences, the petitioner is not entitled to bail during crime stage.
11. In the complaint, it is baldly stated that the petitioner and his mother were quarreling with the deceased and subjecting her to physical and mental cruelty. The complaint is silent regarding on which day, the petitioner and his mother subjected the deceased to physical and mental cruelty.
12. In the complaint, it is baldly stated that before the petitioner and his wife Hamsa went to her parents house, they had a discussion in the house of one Nanditha. When the said discussion took place is also not stated in the complaint.
13. Admittedly, the deceased committed suicide in her parents' house. Therefore, the complainant and his

family members are the proper persons to say what transpired after petitioner dropped his wife Hamsa to her parents' house.

14. There is considerable force in the arguments of the learned counsel for the petitioner that in view of deceased Hamsa committed suicide in her parents' house, the major portion of the investigation is to be conducted in the said house. The witnesses are the family members of the complainant. Therefore, there is no chances of the petitioner tampering the interested witnesses i.e., the complainant and his family members.
15. As rightly submitted by the learned counsel for the petitioner, the fact stated in the complaint at this stage would not make out prima facie case regarding any incident alleged to have been occurred/ took place while Hamsa was leading marital life in her matrimonial house, which lead or compel her to commit suicide that too by going to her parent's house along with her husband.

16. The petitioner who is aged about 26 years. There is no criminal antecedents against him. He is leading life by doing work in Jewellery shop. Having regard to the nature of offences, the custodial interrogation of the petitioner is not required to complete the investigation. The offences alleged against the accused are not punishable with death or life imprisonment. When such is the case, I am of the opinion that by applying the principle that bail is a rule and jail is exception, the petitioner can be released on bail by imposing stringent conditions to safeguard the apprehensions raised by the prosecution. In view of the above, I answer point No.1 in the affirmative.
17. **Point No.2:** For the reasons stated above, I pass the following:

ORDER

The petition filed by the petitioner- accused No.1 under section 483 of BNSS is allowed.

The petitioner - accused No.1 is ordered to be released on bail in Crime No.272/2026 of

Byadarahalli police station for the offences punishable U/Sec.108, 85 r/w 3(5) of BNS on execution of bail bond in a sum of Rs.1,00,000/- with a surety of like sum subject to the following conditions:

1. He shall not pose threats or intermeddle with the complainant, his family members and prosecution witnesses.
2. He shall appear before the Investigating Officer whenever called upon to appear by giving notice in writing well in advance fixing the date and time of appearance and co-operate with the investigation.
3. He shall furnish documents relating to his and his surety's residence and also photo of their houses both present and permanent sufficient to easily locate in the locality and file affidavit stating in what capacity, they are residing therein with QR code of the location of their houses.
4. He and his surety shall provide their contact

numbers tagged to their Aadhar cards and shall not change the number without prior intimation to the Court.

5. He and his surety shall not change their residence without prior intimation to the Court.

6. He and his surety shall furnish their Aadhar Cards and Ration Card of their family.

7. He shall not visit the area where he and his wife lead matrimonial life till the completion of investigation.

8. He shall comply the condition No. 3 and 6 within 15 days after he release from jail.

(Dictated to the Stenographer, transcribed and typed by her, the same is corrected by me and then pronounced in the open Court on this the 18th day of June, 2026).

(Mohammed Mujeer Ulla C.G.)
C/C I. Addl. Dist. & Sessions Judge,
Bengaluru Rural District, Bengaluru.