

ORDERS ON ANTICIPATORY BAIL PETITION FILED**U/Sec.482 OF B.N.S.S. 2023**

This petition is filed under Section 482 of B.N.S.S. 2023 praying to grant of bail in Crime No.54/2026 registered by respondent-police for the offence punishable under Section 115(2), 118(1), 3(5), 351(2), 352 and 85 of B.N.S. 2023 and Section 3 and 4 of Dowry Prohibition Act against petitioners / accused no.1 and 2.

2. BRIEF FACTS:

It is the case of complainant that, complainant's second daughter Mamata is married to accused no.1 on 27.05.2022 and at the time of marriage, they had given gold and silver items and ₹ 1,00,000/- cash as dowry. Out of their wedlock they are having 2 years old son. Since marriage Mamata is staying in her husband's house with her in-laws. They were not sending her to parent's house. They were always scolding her with bad words and physically assaulted her saying that she should bring a site from parent's house as dowry. Though Panchayath was held, it was in vain. On 01.03. 2026. around 03.00 p.m., accused quarreled with her and threatened her with dire consequences. Somehow they managed to send her back to in-laws' house. They had assaulted her. She has taken treatment in V. P. Magnus Hospital. Therefore, she gave complaint before the police.

GROUNDS FOR ANTICIPATORY BAIL:

3. The petitioner submit that, they are innocent and they have not committed any such alleged offences. There are no prima-facie materials available against them. Based upon the false complaint, they are falsely implicated in the above case. The petitioners further submit that, there are false allegations revealed against them. They have looked after complainant's daughter properly. There are no reasonable grounds to believe that they have harassed her. None of the ingredients are satisfied.

4. The petitioners are the permanent resident of the given address having both movable and immovable properties. They are coming from respectable family having permanent aboard in the society. They are not having any criminal antecedents and they are not habitual offenders. They undertake to abide by the conditions that would be imposed by this court since there are no prima-facie materials against the petitioners. They have prayed to allow the bail petition and release them on bail.

5. OBJECTIONS:

On the other hand, in pursuance of court notice, learned Public Prosecutor entered appearance and filed his objections statement along with I.O. report reiterating the complaint averments and further submit that, the alleged offences are neither punishable with death nor imprisonment for life and they are triable by Court of Magistrate. Still the investigation is under progress. If the petitiones are released on bail,

they would tamper the prosecution witnesses and they may abscond. They are politically and economically influential. They may also involve in committing similar offences. The alleged offences are grievous in nature and non-bailable in nature. Since there are sufficient materials available against the petitioners. Hence, he prays for rejecting the bail petition.

6. Heard **arguments** on both sides and perused the materials on record.

7. From the above facts following points arise for my consideration.

1. Whether the petitioners/accused no.1 and 2 have made out sufficient grounds for grant of anticipatory bail under Section 482 of B.N.S.S. 2023 as prayed for in the petition?

2. What order?

8. My findings on the above points are as follows:

Point No.1 : In the Affirmative;

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

REASONS

9. **Point No.1:-** Defacto complainant alleged that the accused persons had ill-treated her daughter Mamata, abused her and assaulted

her. They were continuously demanding to bring dowry. On the other hand, petitioners contend that they have looked after her properly and denied the allegations of dowry. Considering the rival contentions of both the parties, I am of the opinion that, whether the accused persons have harassed the complainant's daughter or not have to be decided at the time of full-fledged trial. As of now it is seen that no materials at this stage is produced by the prosecution to show that there was any dowry demand. Since it is family dispute if accused are taken to custody chances of settlement will totally vanish.

10. Further more, it is seen that the alleged offences are neither punishable with death nor imprisonment for life. They are triable by the Court of Magistrate. Since the petitioner no.2 is a woman, she can avail the benefit of Section 437(1) of CrPC. I am of the opinion that on humanitarian grounds, petitioners are entitled for bail. Further, it is seen that the petitioners are permanent resident of given address. So, question of fleeing away from jurisdiction of the court is very remote. It is seen that the alleged offences are not punishable with death or imprisonment for life. There are no bad criminal antecedents against the petitioners. More over it is not the case of the prosecution that they are habitual offenders. When such being the case, if bail is denied then it will affect the personal liberty of the petitioners. If they are detained in custody it will amount to pre-trial conviction. Though the investigation is still in progress no where I.O. has stated that he requires the petitioners for custodial interrogation. Just because I.O. has to obtain certain

documents and record statement of witnesses that itself is not a ground to reject the bail. There are various caters of decisions which stated that perfect balance has to be made between the personal liberty of individual and interest of society. The apprehension of the prosecution can be met with by imposing reasonable conditions. More over, the petitioner has undertaken to abide by any conditions that would be imposed by this court. Therefore, taking into consideration the principle that ' bail is a rule and jail ' is an exception and striking a perfect balance between the personal liberty of petitioners and societal interest. I am of the opinion that the petitioners are entitled for bail in the interest of equity and justice. **Accordingly, answered point no.1 in the 'affirmative'.**

11. **Point No.2:-** For the foregoing reasons, I proceed to pass the following :-

ORDER

Anticipatory Bail Petition filed by petitioners/ Accused no.1 and 2 under Section 482 of B.N.S.S. 2023 is hereby allowed.

Consequently, in the event of arrest of petitioners/accused no.1 and 2 in Crime No.54/2026 of Doddaballapura Women Police Station, they are ordered to be released on bail on their executing personal bond for a sum of Rs.1,00,000/- and with one surety for like-sum to the

satisfaction of the Investigating Officer/Police Officer on the following conditions:

1. The petitioners shall appear before the Investigating Officer within 15 days from the date of this order and in that event Investigation Officer to take bond and to release them.

2. The petitioners shall appear before Investigating Officer as and when called upon and to extend fullest co-operation in the investigation.

3. They shall not give threat to the prosecution witnesses in any manner.

4. They shall not indulge in similar offences in any manner.

In case of any violation of above bail conditions, prosecution is at liberty to apply for cancellation of the bail.

(Dictated to the Stenographer, transcribed and computerized by her and transcript corrected by me and then pronounced in open Court on this the 17th Day of March 2026.)

(NIRMALA .K.)
IV Addl. District & Sessions Judge
Doddaballapura