

KACB010007822026



**IN THE COURT OF THE III ADDL. DISTRICT & SESSIONS
JUDGE, CHIKKABALLAPURA.**

PRESENT

SHRI. SIDDANNA B. HANDRAL.
B.Sc.,LL.B.
III Addl. Dist. & Sessions Judge,
Chikkaballapura

DATED THIS THE 08th DAY OF JUNE, 2026

Criminal.Misc. No.232/2026

PETITIONER : Gangaraju, S/o.Gangappa G.B,
(Accused No.1) Age: 27 years,
R/o. R. Chokkanahalli Village,
Mandikallu Hobli,
Chikkaballaura Taluk and
District.

(By Sri.R.G., Advocate)

Vs.

RESPONDENT : The State of Karnataka,
Rep.by., Peresandra Police
Station.

(By Public Prosecutor)

ORDER

Petitioner/Accused No.1 has filed bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in Cr.No. 53/2026 of Peresandra P.S., for the offences punishable

u/Secs. 80(2), 85, 3(5) of Bharathiya Nyaya Sanhitha 2023 and section 3 and 4 of Dowry Prohibition Act 1961., by seeking regular bail.

2. The petitioner submits that, petitioner was arrested on 09.03.2026 since then he is in judicial custody. Accused No. 2 and 3 were released on Anticipatory bail by this court in Crl.Misc. No. 133/2026 dated 09.04.2026. Petitioner and deceased were got love marriage and since from their marriage they were leading happy marital life and petitioner has never troubled the deceased regarding dowry. Petitioner is working as a forest guard and permanent resident of the address shown in the cause title of the petitioner, having agricultural land, movable and immovable properties, so fleeing from justice would not arise. Complainant has foisted a false case against the petitioner and the entire allegations made in the complaint are all false and concocted one. He has no past antecedents. Investigation has been completed, petitioner is no more required for custodial interrogation. Petitioner is ready to abide by any reasonable conditions imposed by this court. Hence, prayed to allow the petition.

3. After registering the petition, notice was issued to the respondent Police. Learned Public Prosecutor appeared on behalf of the respondent Police, filed the objections, and learned Public Prosecutor in the objections contended that the petitioner has committed the offences punishable u/Secs.80(2), 85 of BNS and u/Sec.3 & 4 of Dowry Prohibition Act, which are heinous in nature. Mere filing of charge sheet is not a ground

to grant bail to the petitioner, there are prima facie materials to show these accused No.1/ petitioner has involved in commission of alleged offences. If the petitioner is released on bail, he may destroy the prosecution evidence. prayed to dismiss the same.

4. Heard the arguments of learned counsel for the petitioner and the learned Public Prosecutor.

5. The points would arise for my consideration are;

- 1) Whether the petitioner/accused No.1 has made out grounds to grant regular bail in his petition ?
- 2) What order?

6. The above points are answered as under;

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

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

REASONS

7. **Point No.1**: It is the case of prosecution that, the petitioner and deceased Varalakshmi is the daughter of the complainant and she and accused No.1 loving each other and got registered marriage and their marriage is a love marriage and was inter-caste registered marriage and after their marriage the accused No.1 and deceased were lead their matrimonial life for some period and thereafter the accused No.1 started ill treating his daughter by demanding dowry i.e., to bring the dowry from her parental house and used to harass

her and also received the money from mother of the deceased by calling her to their house and thereafter on 07.03.2026 the petitioner and other accused persons ill treated the deceased to bring more dowry from her parental house but the deceased informed that their parents are not in a position to give money and refused to go to her parents house, for that the accused persons picked up quarrel and assaulted her, thereafter on 08.03.2026, in the morning the complainant heard that his daughter died, thereafter he had been to the Gudibande hospital where he came to know about the death of his daughter, hence the complainant has lodged the complaint against the accused alleged that the present petitioner and other accused persons are ill treated to his daughter for bringing dowry and caused her death, Thus, prayed to take criminal action against them. In this regard the police by receiving the complaint have registered the case in their Station Cr.No.53/2026 for the offences punishable u/Secs.85 and 80(2) r/w.Sec. 3(5) of BNS and under section 3 and 4 of Dowry Prohibition Act.

8. The learned counsel for the accused during the course of argument has referred the entire averments of the complaint and also statement of the witnesses and reiterated the averments made in the bail petition. It is also argued that the contents of the complaint and the statement given by the witnesses are totally contradictory to each other and there is a serious doubt arises about the filing of the complaint and there are no prima facie materials placed against the present petitioner to prove the alleged offences. It is also argued that

the accused No.2 and 3 are already released on bail by this court and on the ground of parity also the present petitioner is entitle for bail. It is also alleged that the complainant is the hearsay witness and there are no allegations regarding the alleged assault or harassment soon before the death of the deceased and none of the witnesses described about any incident or alleged harassment and even complainant is also do not know anything as admitted by him in the complaint. The learned counsel has also referred the inquest panchanama and PM report and argued that except the ligature marks no injuries have been found on the body of the deceased, therefore there is no harassment or alleged assault made by the petitioner soon before the death of deceased, hence there are no prima facie materials placed by the prosecution to show that the petitioner has committed the offence as alleged in this case. Therefore for the said reasons the learned counsel prayed to allow the bail application filed by the petitioner.

9. On careful perusal of the materials placed before this court and objections filed by the prosecution it appears that, there is a prima facie case against the petitioner in respect of death caused to his deceased wife. The perusal of the statement of the witnesses it goes to show that the deceased wife during her life time was subjected to cruelty by the petitioner and more particularly the deceased wife of the petitioner was made allegation against the present petitioner as he was assaulted her to bring dowry from her parental house and also received money from the mother of the deceased by securing her to his house and inspite of it he again demanded

dowry to the deceased and when the deceased refused to bring dowry from her parents by that time the petitioner used to assault her.

10. In addition to that if the complaint and statement of the witnesses are read together, it appears that the present petitioner demanded dowry and that was met by way of cash and kind, but that his greediness was not stopped there itself and though she tried to convince him as her parents were not in a good condition to pay the dowry but it appears that despite of it the present petitioner actively caused cruelty on the deceased and instigated the deceased to commit suicide in the background of dowry demand.

11. Learned P.P. during the course of arguments has specifically argued that it is an admitted fact that the deceased was died in her matrimonial house, i.e. the house of the petitioner and the death is also within 7 years from the date of her marriage. Therefore, presumption can be drawn in the law that if the death of married woman is occurred within 7 years from the date of marriage, it amounts to dowry death i.e. offence punishable u/Sec.304B of I.P.C. The perusal of the material records placed before the court it appears that the allegations against the petitioner that due to his physical and mental ill treatment and dowry harassment the death of the deceased has been caused and it is also seen that the death is occurred in the matrimonial house of the deceased that too within three years from the date of her marriage, therefore, as rightly argued by the learned P.P. that there is presumption

under the law that the death of deceased is punishable u/Sec.304 B of IPC and presumed to be the death is caused due to the harassment of dowry demand by the petitioner i.e. Sec.304B of IPC reads that where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within 7 years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with any demand for dowry, such death shall be called as dowry death and such husband or relative shall be deemed to have caused her death. It is also seen in Sec.304B (2) that the punishment for dowry death shall be imprisonment for a term which shall not be less than 7 years but which may extend to imprisonment for life. In the present case also the charge sheet materials go to show that the death of deceased i.e. daughter of the complainant occurred within 7 years from the date of her marriage and death is also occurred in her matrimonial house and there are prima facie materials to show that before her death there are demands for dowry, in such circumstances, it can be presumed that the death of deceased daughter of the complainant is presumed to be dowry death and it is punishable up to life imprisonment, therefore, the offences alleged against the petitioner are heinous in nature and there are prima facie materials to show about the involvement of the petitioner in commission of the alleged offences in question, in such circumstances the accused cannot be released on bail and if the accused is released on bail, there are every possibility of

destroying the prosecution evidence or threatening of the witnesses and he may abscond which may cause hurdle for trial, in such circumstances also the accused is not entitle for bail. In this regard, it is relevant here to refer the decision of our Hon'ble High Court of Karnataka reported in 2014 (4) Crimes 425 in the case of *Shyam Vs. State* it is held that *involvement of accused in offence of murder it would not be a fit case to allow bail to the accused*. In another case of “*Ramgovind Upadhya Vs. Sudarshansingh*” reported in AIR 2002 SC-1475, the Hon'ble Supreme Court of India held that “grant of bail though being discretionary order, but however calls for exercise of such a discretion in a judicious manner and not as a matter of course. Order for bail bereft of any cogent reason cannot be sustained. Needless to record, however that the grant of bail is dependent upon the contextual facts of the matter being dealt with by the courts and facts however do always vary from case to case. While placement of the accused in the society, though may be considered but that by itself cannot be a guiding factor in the circumstances warranting the grant of bail. The nature of offence is one of the basic consideration for grant of bail more heinous is a crime, the greater is the chance of rejection of the bail, though however dependent on the factual matrix of matter”

12. In the present case by considering the gravity of the offence and also by considering the nature of the offence, took place within 7 years from the date of marriage of deceased-daughter of the complainant prior to the incident, she was

subjected to cruelty by the petitioner for demanding dowry as alleged in the complaint is sufficient to hold that there is a prima facie case made out against the petitioner. Therefore, for the above said reasons and in view of the principles of law laid down by the Hon'ble Apex Court as referred supra, the petitioner is not entitle for grant of bail as prayed in his petition, accordingly for the above stated reasons this point is answered in the **NEGATIVE**.

13. **Point No.2:** For the foregoing reasons, proceed to pass the following:

:: ORDER ::

The petition filed by the petitioner/accused
No.1 u/Sec. 483 of BNSS is hereby rejected.

(Dictated to the Stenographer directly on the computer, printout corrected, signed/and then pronounced by me in the open court on this the 08th day of June , 2026)

(SIDDANNA B. HANDRAL)
III-Addl.District and Sessions Judge.,
Chikkaballaura