

KACM010004292026



**IN THE COURT OF THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE AT CHIKKAMAGALURU**

Dated this the 7th day of March, 2026

:PRESENT:

Smt. Rajeshwari N. Hegde, B.Com., LL.M.
Prl. District & Sessions Judge,
Chikkamagaluru.

Crl. Misc. Petn. No.109/2026

Petitioner: Mohammed Khaseem.
S/o C.K.Abdul Wajeed,
Aged 30 years,
Coolie,
Tippunagara,
Chikkamagalur.
(Represented by Sri.IST, Adv)
-Vs-

Respondents: 1 State by Women
Police,Chikkamagalur.
Represented by Public Prosecutor,
Chikkamagaluru.
2 Saniya Mirza
W/o Mohammed Khaseem
Aged 22 years
Behind Shamshad Masjid
Tippunagar
In person

ORDER

Petitioner / accused No.1 has filed this petition under
section 483 of BNSS seeking regular bail in Crime

No.19/2026 registered by respondent No.1 police for the offences punishable under sections 85, 115[2], 352, r/w. 3(5) of BNS ,2023.

2. Petitioner has contended that he is innocent of the offences alleged and not committed any offences as alleged in the complaint and a false allegations have been made against them. The present complaint is a result of strained relationship; that with in a period of one year the complainant has given birth a child and for nourishment period of pregnant woman and post delivery nourishment of a child she was in her parental house and only for a short period she was at matrimonial home; that at the time of marriage only gifts were given and there is no any demand and acceptance of dowry and even otherwise the alleged demand of dowry in the complaint is to the respondent No.2 as well as the child and there is no any personal gain or demand to the petitioner; that he is in judicial custody. The allegations made in the complaint are false and frivolous. He is ready to abide by the conditions that may be imposed by the court. Hence, prayed to grant bail.

3. Learned Public Prosecutor has filed objections, wherein she denied the averments of petition in toto and narrated the facts of the prosecution case in detail. She further stated that in furtherance of investigation, investigating officer had visited the spot, conducted detailed mahazar and recorded statements of witnesses and the investigation is still in progress. The material placed on

record prima-facie establish the allegations leveled against the petitioner. Case is under investigation. Petitioner is politically and economically influential and as such at this stage, if he is released on bail, he may intimidate, threaten and influence the prosecution witnesses and he may flee from investigation and hamper the same. Hence, prayed for rejection of bail petition.

4. Heard both sides and perused the record.
5. Following point do arise for my consideration:

“Whether petitioner has made out grounds to grant bail to him ?”

6. My finding on the aforesaid point is in the affirmative for the following:-

REASONS

7. Brief facts of the prosecution case are that:

The complainant - Smt.Saniya Mirza, lodged complaint against the accused alleging that her marriage was performed with the accused NO.1 about 2 ½ years back and out of the said wedlock she is having a female baby; that, during her marriage her parents had given ring, watch, two pair ear stud, two rings, household articles, inspite of that her in-laws were scolding and subjecting her to mental and physical harassment; that they were insisting her to

bring necklace, ear stud, neck chain from her parental house, when she refused to do so, on 13.02.2026 at about 10.00 pm the accused persons subjected her to physical torture by assaulting her and she was not provided with food on that night and on the next day also they have not provided her breakfast, that at about 4.00 pm when she was sleeping, on the instigation of accused No.2, her mother in-law, instigated accused No.1 stating that she has not given food to the child and she has only given milk to the child, then the accused No.1 by stating that he was in need of a male child, she has given birth to a male child and posed threat on her life stating that she has to leave his house otherwise he will finish her and by stating so, the accused No.1 brought a knife from the kitchen, put the same across her neck, when she tried to escape the accused cut her left hand with knife and also caused injury on her forehead, when she fell down, the accused stamped on her back by putting a small table on her waist, as a result of which she had sustained pain on her spinal chord, thereafter the accused tried to inflict her with knife, when she made hue and cry, the accused persons had pressed her mouth tightly, since blood was oozing from her head, the accused No.2 forcefully put burka to her and driven her out of the house. With these allegations, the complainant sought for action against the petitioner.

8. The learned counsel for the petitioner argued that the petitioner has not committed the alleged offences and there are no prima facie case against the petitioner, the petitioner has been falsely implicated in the present case, that only because of strained relationship between them the present case came to be filed and the same can very well be solved; that the petitioner is ready to offer surety to the satisfaction of the court and undertakes to abide by the conditions that may be imposed and prayed for granting bail to the petitioner.

9. On the contrary, the learned Public prosecutor argued that there is prima facie material to hold that the petitioner has committed the alleged offences. He has assaulted her and tortured her both physically and mentally. If petitioner is released on bail, he may tamper the prosecution witnesses and may abscond. Hence, prayed for dismissal of the bail petition.

10. Having regard to the submission made by the learned Counsel for the petitioner and the learned Public Prosecutor, this Court has gone through the FIR, complaint and other records.

11. It is the case of complainant that petitioner is her husband. He is in judicial custody since 15.02.2026 almost for a period of 20 days,

the petitioner is the resident of Chikkamagalur, his presence can be secured during investigation. Though there is an allegation against the accused as to the commission of offence under section 109 of BNS, the material on record prima facie does not show such ingredient at this stage.

12. Taking into consideration of the averments made in the petition and further the dispute is with respect to matrimonial concern, as held in the case of **Arnesh Kumar Vs. State of Bihar reported in (2014) 8 SCC 273**, wherein the Hon'ble Supreme Court of India has observed that 'no arrest can be made in a routine manner- On a mere allegation of commission of an offence made against a person', this Court is of the opinion that the petitioners are entitled for granting anticipatory bail.

13. As the allegations are with respect to matrimonial issue, if the bail is not granted to the petitioner, that would definitely widen the dispute which is already exist between the parties. In the case of present nature, if petitioner is not granted bail, relationship between them would become further strained and it is impossible for re-union. Further, the allegations made against the petitioner are required to be proved before the Court at the time of full fledged trial.

14. Having regard to the facts and circumstances of the case and considering the averments of the petition and that the gravity of the offences alleged and they are not punishable either with death or imprisonment for life and the petitioner has undertaken to abide by any conditions that may be imposed by this Court, this Court is of the opinion that the petitioner is entitled to grant regular bail. Hence, the petition deserves to be allowed.

Observations made while disposing this petition cannot be taken into consideration while disposing the case on merits. Accordingly, I answer the above point in the affirmative and proceed to pass the following:-

ORDER

This petition filed by the petitioner under Section 483 of BNSS seeking regular bail in Crime No.19/2026 registered by complainant police for the offences punishable under Section 85,115(2), 352, 109 r/w. 3(5) of BNS is hereby allowed.

The petitioner is ordered to be released on bail on his executing self bond for Rs.1,00,000/-(one lakh only) with one surety for the like sum for his appearance before the Court subject to following conditions:

- (1) He shall appear before the I.O. as and when called upon and to extend the fullest co-operation in the investigation.
- (3) He shall not give threat to the prosecution witnesses in any manner.
- (4) He shall not indulge in similar type of offence in the future.
- (5) He shall appear before the Court on all the dates of hearing without bail.

If the petitioner violates any of the conditions, prosecution is at liberty to seek cancellation of bail.

(Typed to my dictation by Stenographer Grade-III directly on the computer, corrected, signed and then pronounced by me in the open Court on this the 7th day of March, 2026)

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(RAJESHWARI N. HEGDE)

Principal District & Sessions Judge,
Chikkamagaluru.

*mvp/-