



**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.

Pr. District & Sessions Judge,
Chikkamagaluru.

Crl. Misc. Petn. No.110/2026

Petitioner:

Kursheedunisa.
W/o C.K.Abdul Wajeed,
Aged 64 years,
Housewife,
Tippunagara,
Chikkamagalur.
(Reptd. by Sri.IST.,Advocate)

-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,
Chikkamagaluru

In person

ORDER

This petition is filed under Section 482 of BNSS
praying to grant anticipatory bail to the petitioner in the
event of his arrest in Crime No.19/2026 registered by

respondent police for the offences punishable under sections 85, 115(2), 109, 352, 3(5) of BNS.

2. Petitioner has contended that she is innocent, he has not committed any offences alleged against her, complaint filed by the complainant is false, there is no prima-facie case against her; she is permanent resident of the address shown in the cause title and hence there is no chance of her absconding; there is an apprehension of his arrest by the respondent police; she is ready to abide by the conditions imposed by the court and offer surety for her release. Hence, prayed to allow the bail petition.

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 materials placed on record prima-facie establish the allegations leveled against the petitioner. 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 anticipatory bail to her ?”

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/accused No.2, instigated accused No.1 stating that she (complainant) 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 female 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 No.1 cut her left hand with knife and also caused injury on her forehead, when she fell down, the accused persons 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 No.1 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. Learned counsel for the petitioner argued that petitioner has not committed alleged offences as alleged in the complaint, and a false complaint has been filed against her. The offences alleged are not punishable either

with death or life imprisonment. There is no prima facie case against the petitioner, she is ready and willing to abide by any of the conditions that may be imposed by the Court. Hence, prayed to allow the bail petition.

9. Per contra, learned Public Prosecutor argued that there is prima facie case against the petitioner, if the petitioner is granted anticipatory bail at this stage, he would certainly hamper investigation and may not extend cooperation for investigation of the crime and further he may try to tamper prosecution witnesses and commit similar offence and flee away from justice in which event, it would not only affect the fair investigation but also cause prejudice to the case of prosecution and hence argued that he is not entitled to grant anticipatory bail.

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

11. 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.

12. 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 is required to be proved before the Court at the time of full fledged trial. Though, there is an allegation as to the accused attempting to commit murder of the complainant, the materials on record prima facie does not show sufficient ingredient to attract section 309 of BNS.

13. 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 petitioners have 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 anticipatory bail from the hands of this court. 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

Petition filed by the petitioner under section 482 of BNSS is allowed.

Petitioner is ordered to be released on bail in the event of their arrest in Crime No. 19/2026 registered by the respondent police for the offences punishable under Sections registered for the offences punishable under sections 85, 115(2), 352, 109 r/w. 3(5) of BNS, on she executing personal bond in a sum of Rs.1,00,000/- (Rupees one lakh only) along with one surety for the like sum to the satisfaction of jurisdictional police on the following conditions:

- (1) He shall appear before the investigating officer within 15 days from the date of this order and in that event, investigating officer has to take bond and to release him on bail.
- (2) 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/-