

KACM010012992026



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

Dated this the 20th day of June, 2026

PRESENT

Sri. Ravindra Hegde, M.A., LL.M.,
Principal District and Sessions Judge,
Chikkamagaluru

Crl.Misc.No.376/2026

Petitioner: Avinash K V,
S/o Veere Gowda K.S.
Aged 40 years,
R/o Kuduvalli Village,
Vastare Hobli,
Chikkamagaluru.
(Represented by Sri.I.S.T., Adv)

-Vs-

Respondent State by Aldur police station

(Represented by Public
Prosecutor, Chikkamagaluru.)

Complainant: Chinmaya C.S.
(Represented by Sri P.E.S.,Adv.)

ORDER

This is a petition filed by the petitioner/accused No.1
under Section 483 of Bharatiya Nagarika Suraksha Sanhita,

2023, praying to enlarge him on bail in Cr.No.118/2026 for the offences punishable under Sections 85, 115(2), 118(1), 109 r/w Section 3(5) of B.N.S., 2023.

2. It is the case of the petitioner that, false case has been registered against him. It is also stated that there is delay in registering FIR. It is stated that his marriage and the complainant took place on 10.12.2020 and it was a love marriage and was celebrated in the place of the petitioner at Koduvalli temple. Mother of the complainant was not involved in the said marriage and as such question of giving gold and silver Ornaments as well as cash of Rs.5 lakhs, is ruled out. It is stated that within a week of the marriage the complainant wanted to reside separately and she did not want to live with his mother and sister and as such, he took a rented house at Mudigere and even after arranging a separate house, the complainant never adjusted to him but refused to attend any functions and festivals and she restricted him in receiving phone calls of his family members. It is stated that since 2024 he is not residing with the complainant and she had snatched his gold chain, pendent and mobile and he had lodged a complaint against the complainant before Aldur police and the police had summoned the complainant and advised her to lead happy marital life and even after

that the complainant had not joined his company. It is stated that when petitioner demanded to return his gold ornaments as well as mobile, enraged by the same, this false complaint is given against him. It is stated that after registration of the complaint the police have arrested him and recovered DVR from his house, that even after verifying the DVR footage and knowing the fact that the complainant had given false complaint, the police has not taken any steps to take action against the complainant. It is stated that he is permanent resident of the cause title address and he is deep rooted in the society. It is stated that he is ready to abide by the conditions imposed by the Court and ready to offer surety to the satisfaction of the Court. He undertakes to co-operate in the investigation and abide by the conditions imposed by the Court for his release on bail and prayed to grant him bail.

3. Learned Public Prosecutor has filed objections to the petition, narrating the averments in the complaint and contended that, the alleged offences are heinous offences and punishable with imprisonment up to 10 years and fine and triable by the Court of Sessions. It is stated that, the petitioner is in judicial custody. Investigation is not yet completed. It is stated that he is politically and economically

influential person and if he is released on bail as prayed, there is every chance of tampering prosecution witnesses, destroying evidence and absconding and thereby hampering trial. Hence, it is prayed to dismiss the petition. The complainant has voluntarily appeared through counsel and objected the bail petition and objected granting of bail. Complainant has stated that the family of the petitioner has provoked her for prostitution business and accused no.3 was involved in prostitution case and she was in judicial custody.

4. Heard arguments on both sides. Perused the records.

5. Now, the points that arise for consideration are:

1. Whether the petitioner is to be released on bail as prayed ?

2. What order ?

6. My answer to the above points are:

Point No.1 :: In the Affirmative

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

REASONS

7. **Point No.1:** On the complaint given by complainant on 5.6.2026 at about 1.30 pm, case in Cr.No.118-2026 has been registered against the petitioner and others. It is stated that the marriage of the complainant was celebrated on 10.12.2020 and after a month of the marriage, accused persons started to subject her to mental and physical torture and they were instigating her to support their business and to be adjustable with the persons who were coming for business. It is stated that since she did not give birth to a child inspite of treatment, they were teasing her stating that she should give birth to a baby as a surrogate mother. It is stated that accused persons have sent her to parents house forcing her to bring dowry amount and for many a times she had brought money from her parents and given the same to the accused. The accused persons have also taken an amount of Rs.2,00,000/- from pledging her golden ornaments and also obtained loan of Rs.1,56,000/- by pledging her tali chain and have sold her two golden ring weighing 18 grams and also sent her to her parents house demanding her to bring Rs.2,00,000/- cash. It is stated that, after that the accused persons have blocked her phone number and did not call her back and when she herself went to

her in-laws house, it was locked and she came to know that the accused No.1 is having relationship with some other woman and he has uploaded photos in the media and when the complainant visited the house of accused on 2.6.2026 at 3.00 pm she noticed the accused- her husband with a women in the bedroom, when she raised her voice, the accused persons abused her, assaulted her and ousted her from the house and accused No.1 tried to commit her murder by squeezing her neck and other accused persons have supported the accused No.1. On this complaint, case is registered against, accused No.1 to 4 for the offences punishable under Section 85, 115(2), 118(1), 109 3(5) of B.N.S., 2023. Accused No.1, who is the petitioner herein, was arrested and was remanded to JC. Now he has filed this petition seeking bail and same is opposed by the Prosecution and also complainant.

8. The counsel for the petitioner has argued that, the petitioner is innocent of the alleged offences and a false case is registered against him. He further argued that accused was arrested and he is in judicial custody and he is entitle for bail. On the other hand the prosecution has opposed the bail petition on the ground that investigation in the matter is not yet completed and if the petitioner is released on bail, he

may threaten the prosecution witnesses, jump the bail. Learned counsel for complainant has also argued and opposed the bail and submitted that family of the accused is involved in Immoral trafficking and petitioner is not entitled for bail.

9. In the complaint, there are specific allegations against accused No.1, who is the petitioner herein. On registering of FIR, this petitioner was arrested and he is in judicial custody from 05.06.2026. Perusal of complaint allegations disclose a matrimonial dispute between petitioner and the complainant. Though serious allegations of cruelty, dowry demand and intimidation have been made, it requires thorough investigation and adjudication during trial. Whether such allegations are true or otherwise is a matter to be established during investigation and trial. At this stage, there is no material to show that his custodial interrogation is necessary. The petitioner is stated to be permanent resident of address mentioned in the petition and there is nothing on record to indicate that he is likely to abscond or evade the process of law. The apprehension of the prosecution with regard to the petitioner jumping out of bail, tampering the prosecution witnesses and hampering the trial, can be met with by imposing suitable conditions. On considering all these aspects, it is a fit case to grant

bail to the petitioner, with conditions. Accordingly, point No.1 is answered in the affirmative.

10. **Point No.2:** For the discussions made on above point, following order is passed:

O R D E R

Petition filed by the petitioner/accused No.1 under Section 483 of Bharatiya Nagarika Suraksha Sanhita, 2023, is allowed.

The petitioner is ordered to be released on bail in Crime No.118/2026 of Aldur Police Station, for the offences punishable under Sections 85, 115(2), 118(1), 109, r/w. Section 3(5) of BNS, 2023 and section 3 and 4 of D.P.Act, on he executing personal bond for a sum of Rs.1,00,000/ (Rupees One lakh only) with one surety for the likesum, subject to the following conditions:

1. He shall not threaten Complainant and shall not tamper with the prosecution witnesses in any manner.

2. He shall attend the Court on all dates of hearing without fail.

3. He shall make himself available before the Investigating Officer or before the Court whenever required and shall co-operate in investigation.

4. He shall not involve in similar or any other offences.

(Typed to my online dictation by the Stenographer Grade-III on Computer and after corrections, signed and then pronounced by me in the open Court on this the 20th day of June, 2026)

(**Ravindra Hegde**)
Principal District & Sessions Judge,
Chikkamagaluru.

*mvp/-