

KADG010007512026



Presented on : 04-03-2026
Registered on : 04-03-2026
Decided on : 17-03-2026
Duration : 0 years, 0 months, 13 days

**IN THE COURT OF
II ADDL. DISTRICT AND SESSIONS JUDGE
AT: DAVANAGERE**

**(PRESENT:- SRI. PRAVEEN KUMAR. R.N, B.Com, LL.B.)
II ADDL. DISTRICT AND SESSIONS JUDGE
DAVANAGERE**

DATED THIS THE 17TH DAY OF MARCH, 2026

Crl.Misc./213/2026

PETITIONER/S :

1. Sri. Dhananjaya Murthy B.V., S/o Vijayamurthy B.V., 42 years, (A.No.1),
2. Smt. Sudha K., W/o Giridhara Murthy B.V., S/o Vijayamurthy B.V., 46 years, (A.No.2),
3. Sri. Giridharamurthy B.V., S/o Vijayamurthy B.V., 46 years, (A.No.3),

All are R/o Ganganakatte Village,
Davanagere Taluk & District,

4. Sri Mallikarjuna B.M., S/o Maheshwarappa, 34 years, R/o Sultanipura Village, Davanagere Taluk & District, (A.No.4),
5. Smt. Pushpavati B.V., W/o Sangamaradhya T., 49 years, Housewife, R/o H.No.851/52, Sri Gurukrupa, 1st Stage, 2nd Main, 3rd Cross, Shivakumaraswamy Badavane, Davanagere City. (A.No.5),
6. Smt. Karibasamma B.V., W/o Veeresh Shetty, 52 years, Village Accountant, R/o No.828.20P, 5th Cross, Saraswati Nagara, 'B' Block, Davanagere City, (A.No.6),
7. Sri Sangamaradhya T., S/o T.Basavarajappa, 56 years, Working in Private Collage, R/o H.No.851/52, Sri Gurukrupa, 1st Stage, 2nd Main, 3rd Cross, Shivakumaraswamy Extension, Davanagere City, (A.No.7),
8. Sri K.S.Gangadhara, S/o K.Sharanappa, 56 years, R/o H.No.113, 5th Cross, K.H.B.Colony, Nittuvalli Road, Davanagere City, (A.No.8),

(By Smt./Sri M.S.M.K., Advocate),

-V/s-

RESPONDENT/S :

State by Mayakonda Police Station,

(By Learned Public Prosecutor)

**ORDERS ON BAIL PETITION FILED U/SEC.482 (438 of CrPC) OF
BNSS**

This petition is filed by the petitioners/ accused No.1 to 8 U/s.482 (438 Cr.P.C.) of BNSS, 2023, with a prayer to grant them an order of bail with respect to Cr.No.23/2026 of Respondent Police Station registered for the offences punishable under Sec. 85, 115(2), 54, 352, 351(2) R/w.Sec.3(5) of BNSS, 2023 and Sec.3 & 4 of Dowry Prohibition Act, 1961.

2. Grounds for bail : The petitioners contend that the case has been lodged against them with mala fide intent to illegally arrest them and to subject them to mental and physical harassment.

3. The petitioners further asserts that they are respectable individuals, well-rooted in society. Their permanent residence is at the address mentioned in the cause title. They argues that if they arrested by the respondent police, their reputation in society will be tarnished. They claims that a false complaint has been filed solely to harass them and damage their social standing. Consequently, the petitioners are under a reasonable apprehension of being arrested by the respondent police.

4. The petitioners submits that if granted bail, they are willing to comply with any conditions imposed by the court and are prepared to furnish sufficient surety for the satisfaction of the court. Hence, pray for the bail petition to be allowed.

5. The learned Public Prosecutor (PP) for the state has filed objections to the petition, contending that a prima facie case has been made out against the petitioners for the alleged offences. The prosecution asserts that the petitioners have committed a serious offences, which are heinous in nature and against the interest of society.

6. The learned PP further argues that if the petitioners are granted bail, there is a risk of interference in the investigation, tampering with prosecution witnesses, or absconding. Additionally, the prosecution contends that the petitioners have not provided sufficient grounds to justify bail. Therefore, the prosecution prays for the rejection of the bail petition.

7. On perusal of the petition, objection, FIR and IO report, I framed following points for consideration: –

1. Whether the petitioners are entitled to the relief of bail under Sec. 482 of BNSS ?

2. What order ?

8. My answer to the above points are as follows :-

Point No.1 : In the Affirmative,

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

R E A S O N S

Point No.1 :-

9. The brief facts of the case are that : According to the complainant, she is housewife and she is the wife of petitioner No.1,

and their marriage was solemnized on 31.10.2025 at Smt. Maaganahalli Basamma Basappa Kalyana Mantapa, Chowkipete, Davanagere, as per their customs and traditions and in the presence of elders. It is alleged that, as per the demand of the petitioners, at the time of marriage, the parents of the complainant have given cash of Rs.50,000/-, 5 grams gold ring, Rs.50,000/- for cloths and others.

10. Furthermore, it is alleged that when the complainant went to her matrimonial home along with her aunts, all the petitioners quarreled with her demanding additional dowry, which the complainant tolerated. Thereafter, all the petitioners allegedly subjected the complainant to mental and physical harassment for additional dowry. When the complainant informed her parents about the alleged harassment, both families convened a panchayat at Murugha Math on 22.01.2026 and advised the parties to lead a happy marital life. It is further alleged that when the complainant went to her matrimonial home thereafter, petitioner No.1 did not allow her to enter the house. Subsequently, on 24.01.2026, when the complainant again went to the matrimonial home, petitioner No.1 allegedly stopped her outside the house, abused her in foul language, and demanded additional dowry of Rs.2,00,000/- in cash and 5 tolas of gold. When the complainant attempted to enter the house, the petitioners allegedly obstructed her, abused her in filthy language, and threatened her life. Thereafter, the complainant obtained treatment at CG Hospital and subsequently filed the complaint against the petitioners after a delay. Based on these allegations, the complainant lodged the present complaint against the petitioners. Hence, this petition.

11. The learned counsel for the petitioners, during the course of arguments, contended that a false case has been registered against the petitioners by the complainant. He submitted that the petitioners are permanent residents of the address mentioned in the cause title and are in possession of both movable and immovable properties at their native place. It was further contended that there is an unexplained delay of more than three months in lodging the present complaint, which creates serious doubt regarding the genuineness of the allegations.

12. It is further contended that the petitioners belong to a respectable family and have deep roots in society. They have no criminal antecedents, and the dispute between the parties is purely matrimonial in nature. According to the learned counsel, no prima facie case is made out against the petitioners for the alleged offences. It was further argued that if the petitioners are arrested, their family would suffer irreparable hardship. The petitioners are innocent and law-abiding citizens and are willing to furnish sufficient surety to the satisfaction of the Court. Hence, the learned counsel prayed for allowing the petition.

13. Per contra, the learned Public Prosecutor submitted that a serious case is made out against the petitioners. It was argued that the petitioners have failed to establish sufficient grounds to justify the grant of anticipatory bail. The prosecution contended that the petitioners have subjected the complainant to mental and physical harassment and have threatened her life for additional dowry. It was further submitted that a prima facie case is established against the petitioners and that the investigation is still pending. The learned Public Prosecutor argued that

if the petitioners are released on bail, there is every likelihood of their committing similar offences, interfering with the investigation, and tampering with prosecution witnesses and evidence. On these grounds, the learned Public Prosecutor prayed for rejection of the bail petition.

14. On perusal of the complaint, it is evident that a matrimonial dispute exists between the parties. As regards the other allegations, the offences alleged against the petitioners are not punishable with death or imprisonment for life. At this stage, it is not possible to determine the guilt or innocence of the petitioners, which can be decided only after a full-fledged trial.

15. At this stage, it appears that no clear prima facie case is made out against the petitioners for the alleged offences. Upon perusal of the documents and after hearing the submissions of both sides, it is noticed that the petitioners are permanent residents of the address mentioned in the cause title. It is also observed that, at this stage, it is difficult to ascertain who the actual aggressors were during the alleged incident, which is a matter to be decided during trial. The report of the Investigating Officer reveals that the preliminary investigation has been completed and there are no specific averments necessitating custodial interrogation of the petitioners. Therefore, there is no legal impediment to granting anticipatory bail.

16. On consideration of the petition, the objections raised by the learned Public Prosecutor, and the report of the Investigating Officer, it is evident that there is a delay of more than three months in lodging the complaint regarding the alleged incident. The offences alleged are

triable by the Court of Magistrate and are not punishable with death or imprisonment for life. The petitioners, being relatives of the complainant, are involved in a matrimonial dispute. They have undertaken to abide by any conditions imposed by this Court, to cooperate with the Investigating Officer during the course of investigation, and to furnish sufficient surety to the satisfaction of the Court. Further, as held by the Hon'ble Supreme Court of India in *Arnesh Kumar vs. State of Bihar*, in matrimonial disputes there is a possibility of implicating all family members, and the Court is required to exercise greater caution while dealing with bail petitions.

17. The petitioners have expressed apprehension of arrest and harassment by the jurisdictional police. It is a settled principle of law that the grant of anticipatory bail does not curtail the powers of the police to conduct investigation in accordance with law. Therefore, there is no legal impediment to granting anticipatory bail to the petitioners in respect of the alleged offences.

18. In the facts and circumstances of the case, I am of the considered view that by imposing appropriate and stringent conditions, the apprehensions expressed by the prosecution can be adequately addressed. Accordingly, **Point No.1 is answered in the affirmative.**

Point No.2 :-

19. In view of the finding of this court on point No.1, I proceed to pass the following :-

O R D E R

Petition filed by the petitioners / accused No.1 to 8 U/Sec. 482 of BNSS (U/Sec.438 Cr.P.C.,) is hereby allowed.

Petitioners are ordered to be released on bail in the event of their arrest in Cr.No.23/2026 of Respondent police station, for the offences punishable Sec. 85, 115(2), 54, 352, 351(2) R/w.Sec.3(5) of BNSS, 2023 and Sec.3 & 4 of Dowry Prohibition Act, 1961, on executing their personal bond for Rs.50,000/- each, with a surety for like-sum, and subject to following conditions :

- 1) Petitioners shall surrender before the IO within 10 days from today.
- 2) They shall co-operate with the IO in proper investigation of the case.
- 3) They shall not tamper the prosecution evidences and threaten the prosecution witnesses directly or indirectly.
- 4) They shall not commit similar type of offences in future.
- 5) They shall appear before court regularly and shall furnish bond and surety as and when directed by the court.
- 6) They shall provide the address proof before the IO and court.

The violation of the above conditions entails cancellation of the bail.

(Dictated to the Stenographer directly on the computer, corrected, signed and then pronounced by me in the open court on this the 17th day of March, 2026),

(Praveen Kumar R.N.)
II Addl. District & Sessions Judge,
Davanagere,

(Order pronounced in the open court,
Vide separate order)

O R D E R

Petition filed by the petitioners /
accused No.1 to 8 U/Sec. 482 of BNSS

(U/Sec.438 Cr.P.C.,) is hereby allowed,
subject to conditions.

2nd ADJ, Davanagere.