

KADG010016772026



Presented on : 01-06-2026

Registered on : 01-06-2026

Decided on : 16-06-2026

Duration : 0years, 0months, 15days.

**IN THE COURT OF
PRL DISTRICT AND SESSIONS JUDGE DAVANGERE
AT DAVANGERE,**

(Presided Over by SMT. VELA D.K.)

Crl.Misc./461/2026

PETITIONER/S:-

Manu.D,
S/o. Devendrappa,
Aged 35 years,
Post Office Employee at
Southern Railway, Davanagere,
R/o. Vidyanagara,
Railway Quarters,

(By Sri. R.K., Advocate)

-VERSUS-

RESPONDENT:-

State of Karnataka through PSI,
Women Police Station,
Davanagere.

(By learned Public Prosecutor)

**ORDER ON BAIL PETITION FILED UNDER S.483 OF
BNSS.**

1. The petitioner / A.1 has filed this petition U/Sec.483 of BNSS seeking regular bail in Crime No.45/2026 of Respondent Police Station, registered for the offences punishable U/Sec. 80(2),85, 115(2), 352, 54, 3(5) of BNS 2023, and Sc.3 & 4 of D.P.Act.

2. The grounds enshrined for the bail are as follows :-

1) The petitioner is said to have not committed any offence, but to be innocent, and has been falsely implicated in the case. He was arrested by the Respondent police and remanded to JC on 18.4.2026.

2) The petitioner is said to be the permanent resident, owning movable and immovable properties and hence there is no chance of abscondance.

3) The petitioner is said to be the sole earning members and has the responsibility to look after the family members.

4) The offences alleged are not punishable with death or imprisonment for life. The petitioner had filed petition seeking bail in Crl.Misc.No.390/26 before II Addl.,District and Sessions Court,

Davanagere. The learned PP had submitted a memo in the said petition stating that the accused has also committed offence under NDPS Act. Therefore, in view of jurisdiction to entertain the said bail petition, the petition was withdrawn and present petition is filed.

5) The petitioner is ready to abide by the conditions of the court, and to offer surety to the satisfaction of the court. Among other grounds the petitioner has sought for grant of bail.

3. The learned Public Prosecutor has filed objection to the above petition contending that the offence under Sec.90(2) of BNS punishable with imprisonment up to 7 years. The offences alleged are serious in nature and against the interest of the society. The matter being still under investigation and there is need to trace the accused persons and to enquire about the alleged incident. The I.O is yet to record statement of witnesses and to collect material evidence. In case bail is granted to the accused, there is possibility of absconding and threatening the prosecution witnesses and to cause obstruction to the fair investigation of the case, and the petitioner is said to have committed grievous offences against the complainant, and there could be repetition of the offence, therefore has sought for rejection of the bail petition.

4. Heard learned counsel for the petitioner and learned P.P for the respondent. Perused the records.

5. On hearing the bail petition, the point that arise for consideration is :-

“Whether the petitioner has made out grounds for grant of bail in Cr.No.45/26 of Women PS Davanagere ?”

6. The aforesaid point is answered in the Affirmative, for the following :-

REASONS

7. As per FIR the case in Crime No.45/2026 has been registered by the Respondent Police against the accused No.1 to 3 for the offences punishable under U/Sec.80(2),85, 115(2), 352, 54, 3(5) of BNS 2023, and Sc.3 & 4 of D.P.Act on the complaint lodged by complainant Smt. Shashikala, on 18.4.2026. The place of offence is described as, Devaraj Urs Extension, Davanagere. The petitioner herein is shown as A.1 in Col.No.6 of the FIR. After registering the complaint, during the course of investigation the petitioner / A.1 was arrested and remanded to JC on 18.04.2026. Now the petitioner has moved this petition seeking regular bail.

8. The gist of the complaint is that, the complainant is said to be the mother of the deceased Kavya. The marriage of Kavya was performed with one Manu.D on 02.5.2024 at Moudgal Anjaneyaswamy Samudaya Bhavana, Mudelahalli village, Channagiri taluk. Said Manu.D was working as Postman at Railway. At the time of marriage they had given 7 Tola gold, and cash of Rs.2,50,000/- and other household articles as dowry. After the marriage the daughter was residing with husband and in-laws. In the meanwhile the son-in-law was addicted to Ganja and drinking and used to abuse his wife and assault her and also treated her as house maid. The in-laws are said to have expressed that their son could have got more dowry if married elsewhere and everyday there were tit bits in the house for want of dowry. In this regard the complainant and her husband had visited the matrimonial home and advised them not to harass their daughter Kavya. Subsequently, quarters was allotted to Son-in-law at Devraj Urs layout Davanagere, wherein also the harassment on Kavya was continued by the husband and in-laws. The son-in-law is said to have developed illicit relationship with other women and when the daughter enquired husband, he is said to have assaulted Kavya and the matter was informed to the complainant over phone. Again the complainant and her husband visited the matrimonial house of the daughter Kayva and advised the son-in-law.

On 17.4.2026 at 9.32 PM their son-in-law said to have telephoned the complainant stating that their daughter Kavya to have committed suicide by hanging in the second floor. Immediately the complainant and other family members are said to have rushed to the quarters of the son-in-law and then the body of the deceased Kavya was taken down, whereby they could have noticed nail injuries all over the face. The left portion of the face had turned into yellow colour and therefore she was taken to Bapuji hospital, whereby the hospital authorities on examination to have informed that Kavya to have already passed away. In this regard the complainant lodged complaint against the accused persons alleging that they are responsible for death of her daughter Kavya.

9. Along with petition, the petitioner has enclosed certified copies of the complaint, FIR in Cr.No.45/26.

Learned PP along with objections has enclosed the Report of the I.O wherein it is stated that, the matter is still under investigation for recording statement of the witnesses, to obtain medical documents. Further, learned PP along with memo has produced photocopies of the mobile phone whatsapp screenshots, death note of the deceased, objection filed for the bail application of A.1, and photographs. At this stage, if the accused is released on bail, there is possibility of absconding of

accused, threatening the complainant and his family members, and put hurdles in the fair investigation and trial of the case, hence sought not to grant bail to the accused.

10. In a case, State of Rajasthan, Jaipur Vs Balachand @ Baiiay, in Crl.Misc. Petition No.1424 - 1425 of 1977, the Hon'ble Supreme Court in its Judgment dated 20.09.1977 has held that, "The basic rule is bail, not jail, except-where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like by the petitioner who seeks enlargement on bail from the court. When considering the question of bail, the gravity of the offence involved and the heinousness of the crime which are likely to induce the petitioner to avoid the course of justice must weigh with the court."

In this regard, it is necessary to impose conditions in accordance with terms of the Circular of the Hon'ble High Court of Karnataka dated 30.6.2025 vide HCC No.48/2012 in order to secure the accused.

11. As per order sheet enclosed, the accused/petitioner is said to be the husband of the deceased, and has been in judicial custody from 18.4.2026. There is allegation against the petitioner that he along with his

family members to have harassed his wife mentally and physically demanding dowry, and that the petitioner was in illicit relationship with other women, and that has resulted in suicidal death of his wife Kavya. What exactly is the reason for the demise of Kavya, could be elicited only after completion of the trial. However, the fact remains that the deceased Kavya has passed away within 7 years of her marriage with the petitioner, consequently the case is said to be within the purview of presumption of dowry death. As of now, almost 2 months have elapsed from the date of alleged incident and the J.C of the petitioner. Merely because in the future there could be necessity of the accused for police custody, by itself cannot be the ground for rejection of the bail petition. Almost 60 days has been lapsed from the date of taking the petitioner to Judicial Custody. Further, the petitioner is said to be working as Postman, in Railways, and to be the permanent resident, owning movable and immovable properties and hence there is no chance of absconding or fleeing away from justice. The truth of the alleged incident as alleged by the complainant, has to be ascertained only after completion of the trial.

Further the apprehension of learned P.P, about petitioner causing impediment to the fair investigation of the case could be over come by imposing stringent

conditions. Moreover, the offences alleged are not punishable with death or imprisonment for life. There are no criminal antecedents against the petitioner. The apprehension of the prosecution about petitioner causing impediment to the fair investigation of the case, and threatening the complainant and family members, could be over come by imposing stringent conditions, and hence the above point for consideration is answered in the Affirmative, and proceed to pass the following :-

O R D E R

The petition filed by petitioner / accused No.1 U/Sec.483 of BNSS is allowed.

Consequently, bail is granted to the petitioner on executing a personal bond for a sum of ₹ 1,00,000/- (One Lakh Rupees only) with one surety for the like sum, to the satisfaction of the concerned Court, in connection with Crime No.45/2026 registered for the offences punishable U/Sec. 80(2),85, 115(2), 352, 54, 3(5) of BNS 2023, and Sc.3 & 4 of D.P.Act, subject to following conditions :-

- 1) The petitioner shall not threaten or tamper the prosecution witnesses directly or indirectly.

- 2) The petitioner shall appear before the Investigating Officer as and when called upon for the purpose of investigation.
- 3) The petitioner shall not leave the jurisdiction of the court without prior permission, until completion of the trial of the case.
- 4) The petitioner shall be regular in attending the court on all the dates of hearing without fail.
- 5) The petitioner shall attend before the Respondent Police Station on every 3rd Sunday for a period of 3 months or till filing of the charge sheet, whichever is earlier.
- 6) The petitioner shall maintain peaceful relationship with the complainant and her family members.
- 7) The petitioner shall produce Aadhaar Card with correct address.
- 8) The petitioner shall provide mobile number, WhatsApp number and Email.ID and intimate the court about changes if any.

If the petitioner commit breach of any of the above conditions, the prosecution is at liberty to approach the court for cancellation of bail.

Inform the same to the concerned Police Station, accordingly.

(Dictated to Stenographer Gr.1 directly on the computer, transcript corrected, signed and then pronounced by me in the open Court on this the 16th day of June, 2026.)

(Vela.D.K)
Prl. District & Sessions Judge,
Davanagere.