

KADG010016372026



Presented on : 25-05-2026
Registered on : 25-05-2026
Decided on : 06-06-2026
Duration : 0 years, 0 months, 11 days

**IN THE COURT OF THE I ADDL. DISTRICT AND
SESSIONS JUDGE, DAVANAGERE.**

Present : **Sri. Gururaj Somakkalavar, M.A., LL.B.,**
I Addl. District & Sessions Judge, Davanagere.

Dated this the 06th day of June 2026

Crl.Misc.433/2026

PETITIONER/S:

1. Hajarath H. Bilal Kerudi @
Hajarath Bilal H. Kerudi
S/o Hajarath Ali B. Kerudi,
Aged about 31 years,
2. Shakila Banu @ Hasina
W/o Hajarath Ali,
Aged about 57 years,
3. Khutbuddin H. Kerudi
@ Khutbuddin Hajarath Ali Kerudi
S/o Hajarath Ali,
Aged about 35 years,

4. Aminuddin H. Kerudi
@ Aminuddin Kerudi
S/o Hajarath Ali,
Aged about 26 years,

Petitioner No.1 to 4 are R/o
634, Bangala Badavane,
Harihara Taluk,
Davanagere District.

(By Sri.M.D. Adv.,)

V/S

RESPONDENT/S:

State by Town Police Station,
Harihara.

(By the Public Prosecutor, Davanagere.)

ORDERS ON PETITION FILED U/SEC.482 OF B.N.S.S

The Petitioners being accused No.1 to 4 in Crime No.87/2026 registered on the file of Harihara Town Police Station, have filed this petition U/Sec.482 of B.N.S.S, seeking their release on bail in the event of their arrest by the respondent police for the offence punishable U/Sec.85, 109(1), 115(2), 351(2), 352 R/w Sec.3(5) of B.N.S. and Sec.3, 4 of D.P. Act.

2. It is contended by the petitioners that, they are law

abiding citizens and have not committed any offence much less the alleged offences. The image of the petitioners have been put down in the eyes of the neighbors and locality people if the petitioners sent to judicial custody. The alleged offences are not punishable with death or imprisonment for life. The complainant with an intention to harass and humiliate, falsely implicate the petitioners in the case. The petitioners are the permanent residents of address shown in the cause title and having movable and immovable properties. The petitioners are respectable persons and having deep roots in the society. The petitioners undertake to appear before the court on all hearing dates and they further undertakes not to tamper with the prosecution witnesses. They are ready to abide by the terms and conditions which may imposed by this court. Hence, prayed to allow this petition.

3. Per contra, the learned public prosecutor appearing for the respondent, filed detailed objections by reiterating the averments of the complaint and submits that there is prima-facie case against the petitioners. The petitioners torturing the complainant and insisting her to bring more dowry. The petitioners ill-treating the complainant and harassing her mentally and physically. The

offences leveled against the petitioners is heinous in nature, non-bailable and punishable with imprisonment and fine, said acts are atrocities against women. At this stage, if the petitioners are released on bail, there is all possibilities of tampering and destroy the evidences, scare and threaten the witnesses, make the witnesses give false testimony during the trial, hide and abscond and delay the trial of the case unnecessarily. The facts stated by the petitioners in the bail application is far from truth and they are also denied. The investigation file of this case is being produced and it is also requested to be considered as part of this dispute. Hence, prays to dismiss the petition.

4. Having heard the arguments of the counsel for the petitioners, the learned public prosecutor and upon perusal of the records, the points that arise for consideration of this court is:

1. Whether the petitioners are entitled for bail Under Sec.482 of B.N.S.S?

2. What Order?

5. The findings of this court to the aforesaid points is:

Point No.1 : In the Affirmative

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

REASONS

6. **POINT NO.1** : The case is registered against the petitioners herein on the complaint by one Smt. Shahanaz Banu W/o Hazarathi Bilal H.Kerodi for the offences punishable U/Sec.85, 109(1), 115(2), 351(2), 352 R/w Sec.3(5) of B.N.S. and Sec.3, 4 of D.P. Act. The allegation in the complaint are that, the marriage is performed. After the marriage, the petitioners caused mental and physical cruelty to the complainant. The petitioners also abused and assaulted the complainant. With these allegations lodged complaint against the petitioners. On the basis of the complaint crime is registered against petitioners herein. Now the petitioners apprehended by the arrest, the present petitioners have approached this court for anticipatory bail.

7. After hearing the arguments and given thoughtful consideration to the material placed before this court, it is alleged that the petitioners herein have harassed complainant both physically and mentally and demanding dowry by that they have committed domestic violence against

her. The said allegations stated in the complaint are to be investigated.

8. It reveals that there is a dispute between petitioner No.1 and complainant herein. On the basis of the complaint, case is registered. The allegation is that, petitioners have harassed complainant both physically and mentally. There is no material to ascertain the gravity of injury on the victim and her parents. These facts indicates that, there is a disturbance between petitioner and complainant, which has lead to file the present case. The apprehension is made out that there is a possibility of arrest. The allegations of harassment is to be investigated and proved in the trial. The dispute is a matrimonial disputes which involves sensitive issues, which are to be carefully dealt with, without giving room for aggravating allegations. The allegations leveled against the petitioners and their involvement are to be investigated. The investigation is in progress. The investigating agency has to collect the evidence. Further the involvement of the petitioners in the alleged crime is to be probed. But considering the allegations that the petitioners are entitle for anticipatory bail.

9. It is relevant to note that, the Hon'ble Apex Court after discussing number of judgments has observed regarding the anticipatory bail in the offences U/s.498(a) and connected offences. The Hon'ble Apex Court in Md.Asfak Alam Vs. State of Jharkhand 2023 SCC online SC 892 has discussed the observations in Arnesh Kumar Vs. State of Bihar, Satender Antil Vs. CBI, Siddharth Vs. State of UP and Sushila Aggarwal Vs. State (NCT Delhi). After discussing the authorities has observed principles regarding anticipatory bail for the above said offences. Applying the said principles laid down by the Hon'ble Apex Court in the present case, the petitioner are entitle for anticipatory bail.

10. By now it is settled position that the court while considering the bail petition need not dwell upon the merits of the case or examine the veracity of the complaint allegations, as such an attempt by the court would prejudice the case on either side in one way or the other way during the trial Court. In other words only on the basis of the prima-facie material on record the court has to decide whether to grant or reject the bail application.

11. Holding mini trial by the court while considering the bail petition is deprecated by the Hon`ble Apex Court and

various other Hon`ble High Courts in catena of judicial pronouncements, as such in exercise, in the opinion of the Apex Court, would affect the case of either party in one way or the other. Thus desisting from holding the mini trial on the basis of prima-facie material on record, this court is of the considerable view that at this stage there are no strong grounds so as to deny the anticipatory bail to the petitioner. Allegations have been made against the accused/petitioner, but the said allegations have to be investigated.

12. One of the consideration that has to be kept in mind by the court while granting bail is to ensure presence of the petitioner/accused before the court or the Investigating Officer as and when necessary. In the case on hand the petitioners are the permanent residents of address given in the cause title of the petition, which has not been either denied or disputed by the prosecution. At this stage there is nothing on record to infer that the presence of the petitioner/accused cannot be secured before the court in the event of grant of bail. The petitioner have undertaken to abide by the conditions of the court and to offer surety for the satisfaction of the court.

13. Apprehension of the prosecution is made out in the objection statement that in the event of the grant of bail the petitioner is likely to tamper with the prosecution witnesses etc. can be quelled by putting the petitioner on stringent conditions while granting anticipatory bail. Considering the gravity of the offences and the punishment provided thereto and the material on record this court is of the opinion that the petitioners have made out grounds for grant of anticipatory bail. Thus, the petitioners are entitled for grant of anticipatory bail. Hence, this point is answered in the Affirmative.

14. **POINT No.2**:-In view of the foregoing discussion and the reasons assigned on Point No.1, this court proceed to pass the following:

ORDER

Bail petition filed under Sec.482 of B.N.S.S by the Petitioners is **ALLOWED**.

The petitioners is ordered to be released in the event of their arrest by the respondent police, if not required in relation to any other offence, in Cr.No.87/2026 on their executing personal bond

for Rs.1,00,000/- each with two sureties for the likesum on the following conditions.

1. The petitioners shall appear before the concerned court within 10 days from the date of receipt of this order and to furnish surety.

2. The petitioners shall not tamper with the prosecution witnesses either directly or indirectly in any manner.

3. The petitioners shall not abscond from the ordinary residence and they should furnish the address proof to the concerned police.

4. The petitioners shall not indulge in any kind of offence.

5. The petitioners shall not leave the jurisdiction of the Court without prior permission of the concerned Court.

6. The petitioners shall have to appear before the court on all hearing dates without fail.

If any of the above conditions violated, the IO is at liberty to move for cancellation of bail.

(Dictated to the Stenographer on computer, corrected and then pronounced by me in the Open Court, on this the **06th day of June 2026**)

[Gururaj Somakkalavar]
I Addl District & Sessions Judge,
Davanagere.