



**IN THE COURT OF THE I ADDL. DISTRICT AND  
SESSIONS JUDGE, KODAGU AT MADIKERI.**

**-:PRESENT:-**

**SMT. MAMTAZ, M.A.LL.B,PGDCA  
I Addl.District & Sessions Judge,  
Kodagu-Madikeri.**

**Dated this the 04<sup>th</sup> day of June, 2026**

**CRL.MISC.No: 180/2026**

**PETITIONER/S:-**

**1. Sannegowda**

S/o late Byregowda  
Aged 59 years,

2. Smt. Vanajakshi,  
W/o Sannegowda,  
Aged 57 years

Both are residents of  
Hebbale village,  
Kushalnagar Taluk,  
Kodagu District.

(By **Sri.H.S.Chandrashekar,**  
**Advocate)**

**-VS-**

**RESPONDENT/S:-**

**The State of Karnataka,**  
by Kushalnagar Rural Police Station.  
Kodagu District.

(By learned **Public Prosecutor,**  
**Madikeri**

**ORDERS**

The present petition is filed by the petitioners/accused No.2 and 3 under section 482 of Bharatiya Nagarik Suraksha Samhita 2023 seeking the extraordinary discretionary relief of bail in connection with the case registered

by the respondent police for the offences punishable under Section 352, 115(2) 85 and 109 R/W Section 3(5) of Bharatiya Nyaya Samhita and Section 3 and 4 of Dowry Prohibition Act, 1961.

2. The brief factual matrix leading to filing of the present petition, as could be gathered from the records and averments made in the petition is that, on 26.10.2025, the complainant was got married with accused No.1 Manu and the accused were demanded ₹ 30,00,000 as a dowry. Out of 30 lakhs the complainant and her family paid 10 lakhs before the marriage and agreed to pay the remaining 20 lakhs of dowry after the solemnisation of the marriage. After the marriage, the accused No.1 harassed the complainant for not paying remaining dowry amount and the accused No.1 also harassed her by saying that she is not beautiful and due to the force of his parents, he had married the complainant. It was further averred in the complaint that the accused No.1 and petitioners had physically and mentally harassed the complainant and also thrown the complainant out from the house.

3. It is also averred in the complaint that the petitioners and the accused No.1 were demanding more dowry from the complainant and scolded in filthy language as against her and given threat of dire consequences. It is also further averred in the complaint that on 16.05.2026 when the complainant was in her parental house, the accused No.1 came to the house at about 12.00 p.m and scolded her with filthy languages and assaulted her by hand and given life threat and also taken the

knife and attempted to assault her which was resisted by the father of the complaint and she got injury to her left shoulder. Due to the resistance of her father and other persons, the accused No.1 fled away from the spot by giving life threat to the complainant and others.

4. On the basis of the said complaint, the respondent police registered the Cr.No.93/2026 for the aforesaid offences and commenced investigation.

5. The petitioners have contended that they are innocent, law abiding citizens and have been falsely implicated in the case. It is further contended that the complaint is baseless, concocted and unsupported by independent documentary materials. The petitioners further contends that no overt acts specifically attributed against them.

6. It is further contented that petitioners are permanent residents, having roots in the society, are a law-abiding citizens. The petitioners have undertaken to abide by all the conditions that may be imposed by this court and have also undertaken to appear before the court regularly on all future hearing dates.

7. Per contra, the Learned Public Prosecutor has filed objections contending that the allegations against the accused are grave and serious in nature. It is contended that during the course of the investigation, sufficient material has been collected disclosing the involvement of the accused in the alleged offence.

8. The prosecution has further contended that if the petitioners are enlarged on bail there is very every likelihood of the threatening prosecution witnesses, tampering with prosecution evidence, absconding from the jurisdiction of the court and involving themselves in similar offences.

9. It is also contended by the prosecution that release of the petitioners at this stage may adversely affect the fair investigation and trial and may create fear amongst the witnesses. Hence sought for rejection of the petition.

10. Heard and perused the materials available on record. The following points arise for consideration.

**∴ POINTS ∴**

1. Whether the petitioners/accused No.2 and 3 have made out sufficient grounds for grant of bail under Section 482 of Bharatiya Nyaya Samhita 2023?

2. What order?

11. For the reasons stated hereinafter, my findings on the above points are as follows:-

Point No. 1 – In the “Affirmative”;

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

**∴ REASONS ∴**

12. **Point No. 1:** It is a well settled principle of criminal jurisdiction jurisprudence that grant of bail is the rule and rejection thereof is an exception. The object of bail is neither

punitive nor preventive. The fundamental consideration before the court while considering a petition under Section 483 of Bharatiya Nyaya Samhita 2023 is whether the presence of the accused during the trial can be secured by imposing reasonable conditions.

13. At the outset, on careful perusal of the records placed before this Court, it is evident that the investigation in the present case has been initiated and accused No.1 is in judicial custody since from 17.05.2026. The police has not taken the accused No.1 for police custody for interrogation.

14. This Court is conscious of the fact that the allegations pertaining to an offence as stated above, which no doubt is a serious offence. However, gravity of offence alone cannot be the sole ground for rejecting the bail, particularly when the investigation is going on and police custody must not be taken by the respondent police which means the accused are no longer required for the custodial interrogation. It means the present petitioners are also not required for any custodial interrogations and if they could have any investigation or for any seizure of materials, they could have taken the accused No.1 for interrogation under police custody. No such effort has been made by the respondent police. Thus it is crystal clear that no custodial interrogation is required for the investigation of the present case.

15. The constitutional mandate embodied under Article 21 of the Constitution protects the liberty of every individual and such

liberty cannot be curtailed mechanically. An accused is presumed to be innocent until proven guilty in a full-fledged trial before the competent court.

16. In the present case, the prosecution materials placed at this stage do not disclose any specific overtake distinctly attributable to the petitioners.

17. The apprehension expressed by the prosecution that the petitioners may abscond or tamper with prosecution witnesses, can be adequately safeguarded by imposing stringent conditions. Mere apprehension without substantial supporting material cannot be a ground to deny liberty to the accused indefinitely.

18. The prosecution has not placed any convincing material before this court to demonstrate that the petitioners have attempted to tamper with witnesses or obstruct the investigation during the pendency of the proceedings.

19. The petitioners have expressed willingness to abide by any conditions imposed by this Court and to furnish solvent sureties to the satisfaction of the Court. The said undertaking deserves consideration.

20. The court is also required to maintain a delicate balance between the interest of society and the fundamental rights of the accused. Bail jurisprudence requires humane and balanced judicial discretion rather than mechanical denial of liberty.

21. The Hon'ble Apex Court has repeatedly observed that detention before conviction should not assume the character of pre-trial punishment. Unless there exist compelling circumstances showing likelihood of absconding, tampering of evidence or repetition of offence, liberty of the individual deserves protection.

22. It is pertinent to note that as per the petitioners, they are the permanent residents having roots in the society thereby reducing the likelihood of absconding. The offences alleged though serious are not punishable with death or imprisonment for life, which is a relevant factor while considering bail and it is to be emphasized that unnecessary arrest and detention must be avoided, particularly when the presence of the accused can be secured through conditions.

23. The principle of presumption of innocence operates in favour of the accused No.2 and 3/petitioners until proven guilty and pretrial incarceration should not assume the character of punishment.

24. The materials presently available on record do not disclose existence of exceptional circumstances warranting continued incarceration of the petitioners/accused No.2 and 3. The apprehension of the prosecution can effectively be addressed by imposing appropriate conditions.

25. Having regard to the nature of allegations, investigation, absence of requirement of custodial interrogation and the settled principles governing grant of bail, this Court is of the considered

opinion that the petitioners have made out sufficient grounds for exercising discretion under Section 482 of Bharatiya Nagarika Suraksha Samhita. Accordingly, the point for consideration is answered in the “affirmative”.

26. **Point No.2:** In view of the reasons assigned above and findings arrived at on point No.1, I proceed to pass the following:

**: ORDER :-**

The petition filed by the petitioners/accused No.2 and 3 under Section 482 of Bharatiya Nagarika Suraksha Samhita 2023 is hereby allowed.

Consequently, the petitioners/accused No.2 and 3 shall be enlarged on bail in the event of their arrest in Crime No. 93/2026 of Kushalnagar Police Station for the offence punishable under Section 352, 115(2) 85, 109 R/W Section 3(5) of the Bharatiya Nyaya Samhita 2023 and Section 3 and 4 of Dowry Prohibition Act, 1961 subject to the following conditions:

(a) The petitioners shall execute a personal bond for a sum of ₹ 1,00,000 each with one surety for the like sum to the satisfaction of the Investigating officer.

(b) The Petitioners shall voluntarily surrender before the Investigating Officer within a period of 15 days from today and furnish surety as stated above.

(c) The petitioners shall not directly or indirectly threaten, induce or allure any of the prosecution witnesses.



(d) The petitioners shall not tamper with prosecution evidence in any manner.

(e) The petitioners shall cooperate with the investigation and appear before the Investigating Officer as and when called.

(f) The petitioner No.1 shall mark his attendance once in 15 days before the concerned police station until filing of the charge sheet.

(g) The petitioners shall appear before the trial Court or all Hearing dates without fail unless exempted for valid reasons.

(h) The petitioners shall not leave the jurisdiction of the trial Court without prior permission.

(i) The petitioners shall not involve themselves in similar criminal activities.

(j) In the event of violation of any of the above conditions, the prosecution is at liberty to seek cancellation of the bail in accordance with law.

(Dictated to the Stenographer Grade-III, directly on the Computer, corrected, signed and then pronounced by me in the open Court, dated this the **04<sup>th</sup>** day of **June 2026**)

**Sd/xxx**  
**(MAMTAZ)**

I Addl. District and Sessions Judge,  
Kodagu-Madikeri.