

KARC010010702026



Presented on : 11-03-2026

Registered on : 13-03-2026

Decided on : 08-04-2026

Duration : 0 years, 0 months, 28 days

**IN THE COURT OF PRINCIPAL DISTRICT &
SESSIONS JUDGE RAICHUR**

Dated this the 8th day of April, 2026

PRESENT

Sri Maruti S. Bagade,

B.Com., LL.B. (Spl),

Principal District & Sessions Judge,
Raichur.

Criminal Miscellaneous No.138/2026

Petitioners: 1. Moulamma @ Moulabi
W/o Mahiboob sab,
Age : 61 years,
2. Mahiboob sab
S/o Rajasab,
Age : 46 years,
Both are R/o Katarki,
Post : Madlapur,
Tq. Manvi,
Dist. Raichur.
(Accused No.2 & 3 as per FIR)
***(Represented by
Sri. R.G.P. Advocate)***
// Vs//

Respondent : The State of Karnataka
by Manvi Police Station,
Manvi.

(Represented by the Public Prosecutor)

ORDER

This is the petition filed by the petitioners/accused No.2 & 3 under Section 482 of Bharatiya Nagarika Suraksha Sanhita (BNSS) 2023, seeking anticipatory bail in Crime No.32/2026 of Manvi PS registered for the offences punishable under Section 189(2), 191(2), 85, 103(1) & 190 of BNS 2023 (under Sec.142, 147, 498A, 302 R/w Sec.149 of IPC) & Under Sec.3 & 4 of D.P. Act 1961.

2. The learned PP filed the objections.
3. Heard the arguments and perused the records.
4. The points that would arise for my consideration are:

1) *Whether the petitioners are entitled for anticipatory bail?*

2) *What order?*

5. My findings on the above points are as under:

Point No.1 : In the **affirmative**

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

REASONS

6. **Point No.1**: The complainant Mr. Anwar sab being the father of deceased Khasim bee has lodged a complaint with Manvi police against in all 6 accused persons stating that he performed the marriage of deceased daughter with accused No.1 in the year 2017; at the time of marriage he has given Rs.1,00,000/- cash and one and half Tole gold as dowry; after the marriage one male child was born to them, who is mentally ill; thereafter, petitioners have started to abuse her in filthy language, given physical and mental torture to bring more dowry and also insisted her to give consent for second marriage; though more conciliation and mediations took place accused not changed their attitudes, inspite of payment of additional dowry of Rs.1,50,000/-. Further specific allegation of the complainant is that on 28.01.2026 at night hours, accused collectively mercilessly beaten the deceased Khasim bee and

hanged her with rope, due to which she died at 11.00 p.m.

7. On the basis of complaint Manvi police registered the FIR for the offences punishable under Section 189(2), 191(2), 85, 103(1) & 190 of BNS 2023 (under Sec.142, 147, 498A, 302 R/w Sec.149 of IPC) & Under Sec.3 & 4 of D.P. Act 1961. It is for this reason the petitioners being the accused No.2 & 3 having apprehension of arrest, moved this bail petition before this Court under Section 482 of BNSS 2023 seeking protection of anticipatory bail.

8. In support of the bail petition, the contention of the petitioners counsel is that the petitioners are innocent have not committed any offences as alleged by the police; apart from that the offences alleged against the petitioners are not punishable with death or compulsory imprisonment for life. Moreover, the complaint is an out come of a malafide intention to

take revenge and thereby defame the petitioners in the society, by making use of suicide. Further contention of the petitioners counsel is that, the petitioners never committed any of the offences as alleged in the FIR; the deceased Khasim bee committed suicide due to mental sickness; under the circumstances if the petitioners are subjected for arrest and custodial interrogation their name will be spoiled in the society.

9. On the other hand, the contention of the learned PP is that the complainant has narrated the cruelty acts demonstrated by the petitioners against deceased Khasim bee and police during investigation found prima facie truth in the allegations, therefore, custodial interrogation of the petitioners is necessary, hence anticipatory bail may not be granted.

10. I have carefully examined the entire materials on record including the opinion reached by the doctor after postmortem. Learned PP pursuance to the direction given by this Court has produced the xerox copy of the postmortem report. The doctor has conducted postmortem and given opinion that cause of death was **“due to asphyxia secondary to hanging”**.

11. So for as the death of the deceased due to hanging is concerned there is no dispute at all. Already the accused No.1 husband of deceased was arrested by the police on 29.01.2026 and produced before the learned Magistrate, who in turn remanded the accused No.1 to J.C till 11.02.2026 and still he is undergoing in Judicial Custody.

12. So for as the allegation against the present petitioners regarding their active involvement in the crime, still the investigation is going on. As the death of the deceased was due to hanging unless the police

came to conclusion that the present petitioners colluding with other accused have hanged the deceased present petitioners deemed to be innocent, as because the death was due to hanging. This gives an impression of suicide.

13. It is well settled law that in matrimonial cases the court must cautious while remanding the relatives of the husband to the Judicial Custody. Here in this case at present no prima facie materials made out by the prosecution to show that the present petitioners colluding with the accused No.1 have forcibly hanged the deceased and killed her. It is also settled principles of law that, bail is a rule and jail is an exception and as far as possible personal liberty of a person has to be protected from unnecessary arrest. The petitioner No.1 is aged about: 61 years and petitioner No.2 is 46 years and as the petitioners are having deep roots in the society there are no chances of their absconding

from the investigation and also non co-operation with the I.O. for investigation.

14. Keeping in view of the aforementioned reasons more particularly the death of deceased due to hanging I am of the confident opinion that the petitioners have made out grounds for their enlargement on anticipatory bail but subject to conditions. Hence, point No.1 under discussion is answered in the **affirmative**.

15. **Point No.2:** In view of the aforementioned reasons, I proceed to pass the following;

ORDER

The petition filed by the petitioners / accused No.2 & 3 under Section 482 of BNSS, 2023 hereby allowed.

Consequently, the respondent is directed to release the petitioners on bail by executing personal bonds for

Rs.50,000/-(Rupees Fifty Thousand only) each with one surety for the like sum to the satisfaction of the respondent police in the event of their arrest in Manvi P.S. Crime No.32/2026 registered for the offences punishable under Section 189(2), 191(2), 85, 103(1) & 190 of BNS 2023 (under Sec.142, 147, 498A, 302 R/w Sec.149 of IPC) & Under Sec.3 & 4 of D.P. Act 1961.

This bail order is subject to the

:CONDITIONS:

1. The petitioners shall appear before the respondent police within 10 days from the date of this order without fail.
2. They shall make themselves available for interrogation and investigation by the I.O. as and when required.
3. They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the concerned I.O.

4. In case, the petitioners fail to cooperate for investigation IO is at liberty to apply for cancellation of bail.

(Dictated to the Stenographer Grade-III transcribed and typed by him, corrected, signed & then pronounced by me in the open Court on this the 8th day of April, 2026).

(Maruti S. Bagade)

Principal District & Sessions Judge
Raichur.

*ssp