

KARC060004522026



**IN THE COURT OF III-ADDL. DIST. & SESSIONS JUDGE, RAICHUR, SITTING AT
SINDHANUR.**

Crl. Misc. No.5195/2026

PRESENT: Sri. B.B.Jakati
B.A., LL.M.,

III-Addl. Dist. & Sessions Judge, Raichur,
Sitting at Sindhanur.

Dated this the 1st day of June, 2026

PETITIONER:-

Sangamesh @ Sangamesh Nidasheshi,
S/op.Jatteppa, 38 years, Agriculture, R/o.Jalihah
village, Kushtagi Taluk, Koppal Dist.

(Accused No.1 as per FIR)
(By Shri Amaresh, Adv.,)

// Versus //

RESPONDENT:-

The State through SHO, Sindhanur Town police
station, Dist. Raichur.

(Through learned Public Prosecutor)

ORDER

The petitioner who is in judicial custody has filed petition under Section 483 of BNSS in connection with case in Cr.No.154/2026 registered by Sindhanur Town police for the offences punishable under Sections 85, 54, 74, 115(2), 329(4), 109(1), 351(2), 352 R/w Sec.3(5) of BNS and u/Ss.3 and 4 of Dowry Prohibition Act, 1961, for regular bail.

2. The gist of the first information is that the complainant/Shashikala is the wife of accused No.1, who is the petitioner herein, and out of their wedlock, three daughters were born. Their marriage was solemnised on 13.02.2012. Accused No.2/Gundamma is the mother-in-law and accused No.3/Basamma is the sister-in-law of the complainant. Accused No.4/Shivasangappa, accused No.5/Kedaregouda and accused No.6/Siddanagouda Muradi are the villagers of accused No.1. It is alleged that at the time of marriage, accused No.1 and his family members demanded and accepted dowry in the form of cash and gold articles from the parents of the complainant. After the marriage, accused No.1 to 3 allegedly demanded additional dowry from the complainant and, when their demand was not fulfilled, they subjected her to harassment. It is further alleged that the mother of the complainant was a retired Government servant and was receiving pension. Accused No.1 was allegedly taking her pension amount every month. It is also alleged that accused No.1 received the service benefits of the complainant's mother and also obtained an amount of Rs.18,00,000/- which she received after sale of her property. Thereafter, accused No.1 allegedly started harassing the complainant and left her in the house of her mother. It is further stated that in the month of April, 2026, the complainant went to the house of her husband on the advice of elders. At that time, accused No.1 to 3 allegedly manhandled and assaulted the complainant and her mother. Consequently, they returned to their house. It is also alleged that on 02.05.2026 at about 11.00 a.m., accused No.1 and accused No.4 to 6 visited the house of the parents of the

complainant. Accused No.1 allegedly abused the complainant and her mother in filthy language and threatened them with dire consequences. It is further alleged that accused No.1 slapped the complainant, pushed both the complainant and her mother, and thereafter pressed the neck of the complainant with an intention to commit her murder. Thereafter, all the accused fled away from the spot. The complainant is said to have taken treatment for the injuries sustained by her and thereafter approached the police on 03.05.2026. The Investigation Officer arrested accused No.1 on 10.05.2026 and he has filed the present petition seeking regular bail.

3. The prosecution filed objections to the bail petition narrating the allegations in the complaint and contending that if the petitioner is released on bail, he repeat the offence, he may tamper the prosecution witnesses and may not appear before the court regularly.

4. The learned counsel for the petitioner has argued that the allegations in the complaint do not attract the offence u/S.109 of BNS. All the allegations are baseless and cooked up. The further detention of the petitioner in judicial custody is not required. He undertakes to appear before the court and co-operate with the investigation.

5. The learned Public Prosecutor has opposed the submission of the learned counsel for the petitioner and prayed to reject the bail petition.

6. I have carefully perused the records.

7. The only point that arises for my consideration is;

“Whether the petitioner is entitled for regular bail?

8. My finding is in the affirmative for the following;

:: REASONS ::

9. The allegations in the complaint disclose that the marriage of the complainant was solemnised with accused No.1 on 13.02.2012 and out of the wedlock, three daughters were born. It appears that there was difference of opinion between the complainant and accused No.1, resulting in matrimonial dispute between them. The allegations further indicate that elders of the family and village had intervened to settle the dispute between the spouses, but such efforts failed. In the background of these facts, the remaining allegations are required to be appreciated in order to determine whether the petitioner is entitled to bail.

10. It is pertinent to note that, excluding the offences punishable under Sections 85, 74 and 109(1) of BNS and Sections 3 and 4 of the Dowry Prohibition Act, the remaining offences shown in the FIR are bailable in nature. Further, excluding the offence punishable under Section 109(1) of BNS, the other non-bailable offences are not punishable with death or imprisonment for life. The petitioner, who is the husband of the complainant, has been in judicial custody since 10.05.2026. The investigation is still in progress and it will take its own time for completion, followed by trial.

11. In order to attract the offence punishable under Section 109(1) of BNS, the prosecution has alleged that accused No.1 pressed the neck of the complainant with an intention to commit her murder. It is further alleged that the complainant sustained injuries while attempting to escape from the hands of accused No.1. However, the prosecution has not produced any medical records to indicate the nature of the injuries sustained by the complainant. There is also no statement of any eyewitness to substantiate the allegation that

accused No.1 attempted to commit the murder of the complainant. Though pressing the neck of a woman may, in a given case, amount to an offence of attempt to commit murder, at this stage there is no material, except the allegations made in the complaint, to show that the petitioner had in fact pressed the neck of the complainant. Therefore, there is no prima facie case made out against the petitioner for the offence punishable under Section 109(1) of BNS.

12. The petitioner is having permanent residence and therefore, his presence can be secured easily for the purpose of investigation and trial. There is no necessity to detain the petitioner in judicial custody till completion of investigation or trial. The apprehension of the prosecution can be adequately addressed by imposing reasonable conditions while enlarging the petitioner on bail. The objections raised by the prosecution are not sufficient grounds to reject the bail petition. Therefore, having regard to the matrimonial dispute between the parties and the nature of allegations made in the complaint, I am of the considered opinion that this is a fit case to enlarge the petitioner on bail. Accordingly, I answer this point in the affirmative and proceed to pass the following:

ORDER

The bail petition filed by petitioner/accused u/S.483 of BNSS, is allowed.

Accused/petitioner is ordered to be released on bail in Cr.No.154/2026 of Sindhanur Town police station on execution of personal bond for Rs.50,000/- with **one surety** for like sum on the following conditions;

1. He shall co-operate with the investigation.

2. He shall furnish ID proof of himself and surety.
3. He shall not tamper or threaten the prosecution witnesses.

(Dictated to the Steno Grade-I, transcribed by her, corrected, signed and then pronounced by me in the open court, on this the 1st day of June, 2026.)

(B. B. Jakati)

III Addl. District & Sessions Judge,
Raichur, Sitting at Sindhanur.