



**IN THE COURT OF THE III ADDL. DIST & SESSIONS JUDGE,
RAMANAGARA**

PRESENT:

**Smt. M. Panchakshari, M.Com., LL.B,
C/c III Addl. Dist. & Sessions Judge, Ramanagara.**

Dated this the 26th day of February, 2026

S.C.No.7/2026

Complainant : The State
by Channpatna Rural P.S.,
Ramanagara District.

(By learned P.P., Ramanagara)

Vs.

Accused : Sri. Umesha M.K.,
S/o. Late. Karikalaiah,
Aged about 34 years,
R/at Moledoddi Village,
Kasaba Hobli,
Channapatna Taluk,
Bengaluru South District.

(By Sri.A.K.M., Advocate)

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ORDER

The accused had filed this bail application U/Sec.483 of BNSS, 2023, praying to grant of bail in connection to Spl.Case No.7/2026 (Cr.No.174/2025)



of Channapatna Rural Police Station for the offence punishable under Secs.115(2), 118(1), 352, 351(2), 119(1), 324(4), 109, 85 & 74 of BNS 2023 and U/Sec.3 & 4 of Dowry Prohibition Act, 1961.

2. The applicant by reiterating the contentions in the first information report had contended that, he has not committed any such offence and he is an innocent person. Initially the complainant had lodged the false complaint against the accused for the offence punishable under sections 115(2), 118(1), 351(2) & 352 of BNS 2023 and after completion of investigation the police have filed the charge sheet for the offences punishable under sections 115(2), 118(1), 352, 351(2), 119(1), 324(4), 109, 85 & 74 of BNS 2023 and U/Sec.3 & 4 of Dowry Prohibition Act, 1961. According to complainant the alleged incident had taken place on 03.10.2025 at 11.00 a.m., but complaint came to be lodged on 03.10.2025 at 04.00 p.m., there is 5 hours delay in lodging the complaint and the same is not clearly explained. The offences alleged against the accused is not punishable with death or imprisonment for life. The complainant is none other than the wife of the accused and it is alleged that false complaint is filed due to enmity. There is no truth in the allegations made in the



complaint against the accused. He is law-abiding citizen and he do not have any bad antecedents and he is having aged parents who were dependent upon him. The petitioner is the permanent resident of the address shown in the cause title so, there is no chances of absconding or avoiding the trial by him and he is ready to abide by any conditions that would be imposed by this court and not hampering the prosecution witnesses and also appear before the court on all hearing dates without fail and furnish surety to the satisfaction of the court.

3. The Learned Public Prosecutor has filed the objections by reiterating the allegations in the prosecution story and contended that, there are sufficient materials to show the commission of the alleged offences by the accused. The earlier bail petition of the accsued in Crl.Misc.No.938/2025 had been rejected as per the order of this court dated:06.12.2025. There is no change in circumstance of the grounds so, the present bail application is not considered at this stage. So, at this stage if he is released on bail, there are every chances of he tampering the prosecution witnesses and thereby hampering the investigation and absconding form the process of the court and it may severely affect the



progress of investigation. Hence, prayed for rejection of the bail application.

4. Heard the learned counsel for the applicant and also the learned Public Prosecutor for the State.

5. The following points arise for court consideration;

1) Whether the accused makes out grounds for his enlargement on bail and Sec.483 of BNS 2023?

2) What order?

6. The findings of this court on the above points are as under;

Point No.1: In the Affirmative.

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

REASONS

7. **Point No.1:** On going through the prosecution papers, it clearly shows that the respondent police have registered the case against the accused for the offence punishable under Secs.115(2), 118(1), 352, 351(2), 119(1), 324(4), 109, 85 & 74 of BNS 2023 and U/Sec.3 & 4 of Dowry Prohibition Act, 1961 and after thorough investigation



they have filed the charge sheet against the accused in Spl.C.No.7/2026.

8. The allegations against the accused is that accused being the husband of the complainant on 03.10.2025 while proceeding to the Panchayath Office on her way she was restrained by the applicant and he attempted to commit murder of the informant. By that time she slightly escaped and while escaping she sustained injuries and it also makes out that one Mr. Venkatappa who is physically challenged person who accompanied the informant had also been subjected to assault by the applicant.

9. It is contended in the objections filed by the Learned Public Prosecutor are that the charge sheet having filed, this is a successive bail petition filed on behalf of accused and his previous bail petition in Crime No.938/2025 had been dismissed as per order dated:06.12.2025. There is no any changed circumstance to seek bail. Sufficient materials are collected at the time of filing the charge sheet. The offence alleged is punishable with imprisonment for life. As the charge sheet is already filed accused is not entitled for bail.



10. If the contention of the accused is taken into consideration, whereby it is stated that initially FIR is registered for the offence punishable under Section 115(2), 118(1), 351(2), 352 and after investigation charge sheet is filed for the offences punishable under Secs.115(2), 118(1), 352, 351(2), 119(1), 324(4), 109, 85 & 74 of BNS 2023 and U/Sec.3 & 4 of Dowry Prohibition Act, 1961. At the time of filing the complaint there is no allegation with regard to dowry harassment and attempt to commit murder. Complainant had sustained injury when accused had chased her which being the allegation in the complaint, but now as per the charge sheet averment it is alleged that, the accused had attempted to commit the murder of the complainant. There is nothing made out in the prosecution case to attract the offence under Sections 74 and 307 of IPC.

11. It is also alleged in the bail application that, accused had filed matrimonial case against the complainant before Senior Civil Judge Court, Channapatna in MC No.42/2022. After filing the said case the complainant and her relatives had attempted to assault the accused, but the police had not received the complaint of the accused by colluding with the complainant herein. The accused is having



aged parents and there is no any incident having taken place on 03.10.2025. It is the contention of the accused that, he is the permanent resident of the address shown in his bail application i.e., of Channapatna Taluk which comes within the jurisdiction of this court and he do not have any criminal antecedents and undertakes to abide by any condition that would be imposed by the court for his regular appearance.

12. Having gone through the orders in Criminal Misc.No.938/2025, whereby the said bail petition was filed before filing of the charge sheet. Accused was arrested on 06.10.2025 and he having remanded to judicial custody, he is in custody since 06.10.2025. By the time when the earlier bail petition was pending consideration additional offence under Section 109 of BNS., was invoked and further statement of the complainant was recorded.

13. In the judgment reported in **(2018) INSC 364, Seema Sing Vs. Central Bureau of Investigation**, the **Hon'ble Supreme Court of India** having upheld the bail granted by in the offence under Section 302 of IPC, had held gravity of the offence alone is not sufficient to deny bail if other



circumstances justify it. The Hon'ble Apex Court had considered the fact of lack of threat of evidence tampering and the nature of evidence and there being no likelihood of accused absconding. The grant or refusal of bail is entirely within the discretion of the judge hearing the matter and it must be exercised judiciously and in a humane manner and compassionately there should not be long incarcerated. The Apex Court has held, "a person is believed to be innocent until found guilty".

14. Here in this case the complainant and the accused being husband and wife, the complainant police had investigated the matter and filed the charge sheet so, the presence of accused is not required for any custodial interrogation. If the statement of complainant is taken into consideration, whereby she states that it is she who had filed the petition for divorce in MC.No.42/2022 and her husband Umesh is denying for divorce. So when this Prosecution papers are taken into consideration, it clearly makes out that there is matrimonial dispute between the complainant and the accused, dowry harassment is alleged and there is also allegation that, accused has caused hurt to the complainant and also attempted to take away her life. So, now at this



stage this Court cannot conduct any mini trial to find out who is at fault. On the other hand, as there is matrimonial dispute there is every chances of cancellation between the couple and there is scope to understand the sacredness of the matrimonial relationship. So in the circumstance if accused is still detained in custody, the grudge continues and the couple cannot think over reforming themselves and reuniting for the good. So, as the accused is the permanent resident of the address shown in the false title which comes within the jurisdiction of this court and also he having undertaken to abide by the condition that would be imposed by this court as there is no any criminal antecedents, if stringent conditions are imposed it will meet the objections raised by the Public Prosecutor. In the circumstance, I hold above point in **Affirmative**.

15. **Point No.2:-** In view of the discussions made supra, this court proceeds to pass the following;

ORDER

The bail petition filed by the applicant/
accused under Sec.483 of BNSS, is hereby
allowed.



Applicant/accused is enlarged on bail in connection to Channapatna Rural Police Station in S.C.No.7/2026 (Cr.No.174/2025) on he executing his personal bail bond for a sum of Rs.1,00,000/- with two sureties for likesum to the satisfaction of the Court subject to following;

CONDITIONS

- 1) The accused shall appear before the court on all hearing dates without fail.
- 2) The accused shall not threaten or entice the complainant or any of the prosecution witnesses in any manner.
- 3) The accused shall furnish his permanent address proof.
- 4) The accused shall not change the abode without prior permission of this court.
- 5) The accused shall not indulge in any such criminal activity.

(Dictated to the Steno Grade-III thereof, transcribed and typed by her and after corrections, printout taken and then pronounced and signed by me in the open Court, on this the **26th day of February, 2026**).

(M. Panchakshari)
C/c III Addl. Dist. & Sessions
Judge, Ramanagara.