

KARN300000882026



**IN THE COURT OF THE II ADDITIONAL DISTRICT AND
SESSIONS JUDGE, BENGALURU SOUTH DISTRICT, SIT
AT KANAKAPURA.**

Dated this the 25th day of March 2026

Present

SRI. KUMAR.H.N., B.A.L., LL.B.,
II Addl. District & Sessions Judge,
Bengaluru South District, sit at Kanakapura.

CRL.MISC.No.5051/2026

Petitioners :	1	Sri. Shivakumar.S S/o Late Siddegowda, Aged about 40 years, (Accused No.1)
	2	Smt. Sakamma W/o Late Siddegowda, Aged about 64 years, (Accused No.2)
	3	Smt. S.Pavithra W/o K.Madhusudhan, Aged about 42 years, (Accused No.3)
		All are Residing of Doddalahalli Village,

		Uyyamballi Hobli, Kanakapura Taluk, Bengaluru South District. (By Sri. Manjunatha.G.S, Advocate)
	V/s	
Respondent :		The State of Karnataka, By Ramanagara Women Police, Kanakapura taluk, Bengaluru South District. Rep. by Public Prosecutor, District court, Kanakapura. (By the Public Prosecutor)

Orders on Application filed U/s 482 of BNSS-2023

1. The petitioners who are arraigned as Accused No.1 to 3 have filed this petition U/sec.482 of BNSS-2023, seeking anticipatory bail in Cr.No.14/2026 of Respondent Ramanagara Women Police Station for the offences punishable U/sec.85, 89, 115(2), 351(2), 352 r/w 3(5) of BNS-2023 and U/sec.3 and 4 of Dowry Prohibition Act-1961.

2. Briefly stated the petition averments are to the following effect:

a) On the basis of the complaint given by Shilpa.M.S, the respondent Ramanagara Women Police have registered the case in Cr.No.14/2026

against the petitioners for the offence punishable U/sec.85, 89, 115(2), 351(2), 352 r/w 3(5) of BNS-2023 and U/sec.3 and 4 of Dowry Prohibition Act-1961.

b) In the petition averred that, on 13.02.2026 at about 7.20 pm., the informant appeared before the respondent police and complains that, on 02.05.2024 the informant had got married with the petitioner and their marriage was solomonized at Shivndyapana temple of Doddalahalli village and at the time of marriage the informant parents had gave 5 lacks in cash, 1 long chain, neck-less and ear studs as a dowry against their demand. Further it is also reveals that, the petitioners have look after the informant with all love and affection only for a period of 2 to 3 months and thereafter the petitioners have ill-treating the informant. During the year August 2024 the informant got conceived and later on pretext of suspect the petitioners have ill-treating and assaulting the informant both psychologically and physically and also further demanding dowry amount of Rs.90,00,000/-. In-spite of conciliation by the

brothers of the informant, the petitioners are ill-treating the informant and also not providing proper food and medicine to the informant and also putting life threat by showing knife. Further it is also reveals that, at one day the petitioner No.1 had taken the informant to the Vanivilas Hospital Bangalore by convincing her that, the good medical treatment will be provided rather than from the doctors of Kanakapura and later the informant taken to the Vanivilas hospital by saying for the purpose of scanning and further the informant got admitted as inmate of the hospital on the advise of the Dr. Ashok. Further it is also reveals that, the petitioner No.1 putting threat to the informant and had obtained the signature of the informant on papers and later the informant came to know that she was forcibility made her to consume pills for abortion. Further it is also reveals that, once again the petitioner was admitted to the Vanivilas hospital Bangalore and subjected for abortion by surgery. Hence the complaint.

c) The petitioners pleads that, they are quite innocent and unconcerned to the alleged incident and petitioners have not at all committed any offences what so ever, the respondent deliberately implicated the name of the petitioners. At the instance of the ill will of the inimical ill disposed people.

d) The petitioners are permanent resident address shown in the petition and coming from highly respectable family and never committed any offence as alleged by the prosecution. There is no any material to show the prima-facie case against the petitioners.

e) Further petitioners also submits that the petitioners are ready to abide all conditions that may be imposed by this court. In the event of granting the anticipatory bail. Further also undertake that ready and willing to assist the investigation officer if so required and prays for grant of anticipatory bail.

3. The learned public prosecutor filed objection along with IO report dated 11.03.2026 to following effect:

a) The petition is not at all maintainable and grounds urged at the seeking anticipatory bail are not tenable.

b) The Learned Public Prosecutor reiterated the facts of the case found in the complaint and FIR.

c) It is also specific contentions of the learned public prosecutor that, there may be every chance of indulging similar illegal activities. In the event of granting anticipatory bail, there is every like hood of petitioner threatening and tampering the prosecution witnesses and every chance of flee from the investigation and clutches of the law and prays for the rejection of the petition.

4. Heard Arguments from both sides and perused the FIR, complaint and other materials placed on record.

5. Now the points that arise for my consideration as follows;

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| 1. | Do the petitioners/accused No.1 to 3 have made out exceptional circumstances for grant of anticipatory bail in connection with Cr.No.14/2026 of Ramanagara Women police? |
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2.	What Order?
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6. My answer to the above points are as under:

Point No.1 :	In the Negative.
Point No.2 :	As per final order for the following;

REASONS

7. **POINT No.1:-** Thus the petitioners are seeking anticipatory bail contending that a false case have been foisted against them.

8. On the other hand the prosecution has resisted bail petition on the ground that the charges leveled against the petitioners are very grave and their custodial presence is required for the investigation.

9. The material available on record it borne that, on 13.02.2026 at about 7.20 pm., the informant appeared before the respondent police and complains that, on 02.05.2024 the informant had got married with the petitioner and their marriage was solomonized at Shivndyapana temple of Doddalahalli village and at the time of marriage the informant parents had gave 5 lacks in cash, 1 long chain, neck-less and ear studs as a dowry against their demand. Further it is also reveals that, the petitioners have look after the informant with all love and affection only for a

period of 2 to 3 months and thereafter the petitioners have ill-treating the informant. During the year August 2024 the informant got conceived and later on pretext of suspect the petitioners have ill-treating and assaulting the informant both psychologically and physically and also further demanding dowry amount of Rs.90,00,000/-. In-spite of conciliation by the brothers of the informant, the petitioners are ill-treating the informant and also not providing proper food and medicine to the informant and also putting life threat by showing knife. Further it is also reveals that, at one day the petitioner No.1 had taken the informant to the Vanivilas Hospital Bangalore by convincing her that, the good medical treatment will be provided rather than from the doctors of Kanakapura and later the informant taken to the Vanivilas hospital by saying for the purpose of scanning and further the informant got admitted as inmate of the hospital on the advise of the Dr. Ashok. Further it is also reveals that, the petitioner No.1 putting threat to the informant and had obtained the signature of the informant on papers and later the informant came to know that she was forcibility made her to consume pills for abortion. Further it is also reveals that, once again the petitioner was admitted to the Vanivilas hospital Bangalore and subjected for abortion by surgery. Upon first information provided by the informant the respondent police have registered the FIR against the petitioners in Cr.No.14/2026 for the offence punishable

U/sec.85, 89, 115(2), 351(2), 352 r/w 3(5) of BNS-2023 and U/sec.3 and 4 of Dowry Prohibition Act-1961. Under these circumstances the petitioners under reasonable apprehension of arrest from the respondent police filed the present petition for grant of anticipatory bail in connection with aforesaid case.

10. During the course of the counsel for the petitioners vehemently argued that, the complainant has filed the false and vexatious complaint against the petitioners. As such there is no any incident took place as alleged by the complainant in the complaint. Further the petitioners are the bread earner and care taker of their family and also law abiding citizens. The petitioners coming from the respectable family and having no antecedents of any indulging any criminal activities and further the petitioners are ready to abide any conditions that may be imposed by the court while granting the anticipatory bail. Under these circumstances the counsel for the petitioners prays for anticipatory bail to the petitioner by exercising exceptional circumstances as laid down under section 482 of BNSS-2023.

11. In reciprocal the learned Public Prosecutor has filed the objection opposing the application filed U/sec.482 of BNSS-2023 and prayed for dismissal of the application.

12. The counsel for the petitioners vehemently argued that, there is no any direct allegation found in the contents of the FIR and the complainant against the petitioners. During the course of the arguments learned the counsel for the petitioners drawn the attention of this court that the petitioner No.2 and 3 being house wife and petitioner No.1 is being a agriculturist and have not involved in any alleged incident and more ever the petitioners are not present in alleged place of incident. Further the counsel for the petitioners are also vehemently argued that, the petitioners No.1 being a male member of the family and having age old parents and further the second petitioner suffering from chronic ailment and ready to furnishes surety for their due appearance before the jurisdiction of the court and pray for grant of anticipatory bail.

13. In contra the learned public prosecutor vehemently argued that, there is a direct allegation against the petitioners pertaining to the over act of the petitioners in the alleged incident is concerned. In this regard the learned public prosecutor has drawn the attention of this court pertaining to the contents of the both FIR and complaint. Further the IO report, which reveals that the petitioners are required for the further investigation. Further the learned public prosecutor also vehemently argued that, the petitioners are having close nexus with them and they are also shown as relatives. Further the custodial presence of the

petitioners are very much necessary for further investigation and pray for dismissal of the application.

14. Further this court taken note of section 89 of BNS-2023, which reads as thus:

89. Causing miscarriage without woman's consent.- *Whoever commits the offence under section 88 without the consent of the woman, whether the woman is quick with child or not, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.*

15. On perusal of the contents of the FIR, Complaint and other material available on record it appears that there is a direct allegation found against the petitioners, at one day the petitioner No.1 had taken the informant to the Vanivilas Hospital Bangalore by convincing her that, the good medical treatment will be provided rather than from the doctors of Kanakapura and later the informant taken to the Vanivilas hospital by saying for the purpose of scanning and further the informant got admitted as inmate of the hospital on the advise of the Dr. Ashok. Further it is also reveals that, the petitioner No.1 putting threat to the informant and had obtained the signature of the informant on papers and

later the informant came to know that she was forcibly made her to consume pills for abortion. Further it is also revealed that, once again the petitioner was admitted to the Vanivilas hospital Bangalore and subjected for abortion by surgery. Further as per the requisition of the I.O. the petitioners are required for further investigation and investigation is under progress. Further on perusal of the material on record there is a direct allegation found against the petitioners in respect of the allegations leveled against the petitioners. Considering the peculiar facts and circumstances of the case petitioners have not made out prima facie case to exercise exceptional circumstances to consider the application made U/sec.482 of BNS-2023.

i. However, as per the dictum of the apex court of India while deciding the case of;

Central Bureau of Investigation

Vs

V.Vijay Sai Reddy

(2013 (7) SCC 452)

Where in at para No.34 of the judgment held that;

“34. while granting the bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the

accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interested of the public/state and other similar consideration. It has to be kept in mind, that for the purpose of granting bail, the legislature has used the words “reasonable grounds for delivering” instead of “the evidence which means the court dealing with the grant of bail can only satisfy itself as to whether there is genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not expected, at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt.

ii. In another decision reported in

Anil Kumar Yadav

Vs

State (NCT of Delhi)

(2018 (3) SCC Cri 425)

“Where in the Hon’ble Apex Court of India has held that in crimes like murder mere fact that accused was in custody for more than one year, may not be relevant consideration and that the period of incarceration by itself would not entitle accused to be enlarged on bail. In the said decision, it is further held that the probability or improbability of the prosecution version has to be judged based on materials available to report at the time when the bail is considered and not on the discrepancies”.

iii. On a combined reading of the ratio of the above mentioned decisions, it is very clear that, while considering a bail application, the gravity of the offence is to be considered. Further,

if the petitioner is released on bail, it may give a wrong indication to the society. While granting bail, the substantial interest of the society, and etc., is also to be considered a held in,

Siddharam Satlingappa Mhetre

Vs

State of Maharashtra and others

(2011 SCC 1 694)

Where in the Hon'ble Apex Court of India has held that the nature at para No.122 of Judgment held that;

“The following factors and parameters can be taken into consideration while dealing with the anticipatory bail:

i. The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;

ii. The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;

iii. The possibility of the applicant to flee from justice;

iv. The positivity of the accused's likelihood to repeat similar or the other offences.

v. Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.

vi. Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people.

vii. The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The case in which accused is implicated with

the help of sections 34 and 149 of the Indian Penal Code, the courts should consider with ever greater care and caution because over implication in the cases is a matter of common knowledge and concern;

viii. While considering the prayer from grant of anticipatory bail, a balance has to be struck between two factors namely, no prejudice should be caused to the free, fair and full investigation and there should be prevention of harassment, humiliation and justified detention of the accuse;

ix. The court to consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;

x. Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail.”

iv. On a combined reading of the ratio of the above mentioned decisions, it is very clear that while considering a bail application, the gravity of the offence is to be considered. Further, if the petitioner is released on bail, it may give a wrong indication to the society. While granting bail, the interest of the society is also to be considered a held in,

Chandrakeshwar Prasad @ Chandu Babu

Vs

State of Bihar and another

(2016 (3) SCC Cri 685)

v. At the out set on careful scrutinizing of final report submitted by I.O. and it is alleged that the petitioners are involved in the brutal murder of Murthy in the mid day publicly. The modus-operandie of the petitioner is amounts to create panic in the mind of publics for their daily livelihood life and the allegation against petitioners found direct and considering the manner in which the alleged incident took place, at this stage without expressing any opinion on merits of the case, petitioner have not made out suffice grounds to consider the relief made in the application filed under section 438 of Cr.P.C. Further the petitioners are not cared for the peace and tranquility of their family and peace of the society.

16. Further on perusal of the IO report pertaining to petitioners it reveals the custodial presence is required for investigation in respect the collection information pertaining alleged antecedents of incident narrated in the complaint. Considering antecedents of the alleged crime and allegation against petitioners the petitioners have not made out reasonable circumstance to exercise the exceptional circumstance to involve section 482 of BNSS-2023.

17. Taking into consideration and the circumstance, case and investigation is yet to be completed and statement of witness is yet to be recorded pertaining to the petitioners are concerned. At this stage without expressing any opinion on merits of the case

petitioners have not made out suffice grounds to consider the relief made in the application filed U/sec.482 of BNSS-2023. Under these circumstances this court decline to grant bail to the petitioners.

18. In view of my above discussions, observations and findings, the petitioners are not entitled to be released on bail. Hence, this court answer Point No.1 in the **Negative**.

19. Point No.(ii): in view of my findings on point No.(i), this court proceed to pass the following;

ORDER

The bail petition filed by the
petitioners/accused No.1 to 3 U/sec.482 of
BNSS-2023, is hereby Rejected.

(Typed to my dictation on computer by the Typist and print out taken by him, then corrected and pronounced by me in the Open court on this the 25th day of March 2026)

(KUMAR.H.N)

II Addl. District & Sessions Judge,
Bengaluru South District, sit at Kanakapura.

Order pronounced in open court
vide separate order

ORDER

The bail petition filed by the
petitioners/accused No.1 to 3 U/sec.482 of
BNSS-2023, is hereby Rejected.

(KUMAR.H.N)

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