

**KABK010029432022**



IN THE COURT OF PRINCIPAL DISTRICT AND SESSIONS  
JUDGE, BAGALKOTE

Present: Deshpande G.S., B.Com, LL.M.,  
District and Sessions Judge.

Dated this the 15<sup>th</sup> day of October, 2022

Criminal Miscellaneous No.596/2022

Petitioners

- 1) Shabinabanu W/o Chandagisab  
Iddalagi, Age: 58 years,  
Occ: Household work,
- 2) Jamir Ahmad S/o Bandagisab  
Iddalagi, Age: 28 years,  
Occ: Private work,
- 3) Ashfak S/o Mahebubsab Mulla,  
Age: 43 years, Occ: Business,  
All are R/o: Hungund, Tq: Hungund.
- 4) Smt. Abeda W/o Gousmoddin Mulla,  
Age: 53 years, Occ: House hold work,  
R/o: Bagalkote A.P.M.C.

(Sri T.R. Lamani, Advocate)

Vs.

Respondent

: The State of Karnataka,  
By Women Police Station,  
Navanagar, Bagalkote.

(Public Prosecutor, Bagalkote)

ORDER

The petitioners have filed this petition under section 438 of Code of Criminal Procedure, 1973 for grant of anticipatory bail on the grounds that they are innocent and have been falsely implicated in this case just to harass them. There are no reasonable grounds to believe that they have committed any of the offences as alleged in the complaint. They are residing in the given address. They are ready to abide any conditions that may be imposed by the Court. They are ready to furnish solvent surety/sureties to the satisfaction of the Court. Therefore, they are entitled to anticipatory bail. Hence, the petitioners prayed to allow the petition.

2. The prosecution has filed its objections contending that there is prima facie material evidence against the petitioners. The investigation is still in progress. The petitioners are politically strong persons, if released on bail, they may threaten the prosecution witnesses and remain absconding, in that event, fair investigation and trial of the case will be hampered. Therefore, the petitioners are not entitled to anticipatory bail. Hence, the learned Public Prosecutor prayed to dismiss the petition.

3. Heard arguments of both sides and perused the records.

4. The following point that arises for my consideration is:

Whether the petitioners are entitled for grant of anticipatory bail?

5. My finding to the above point is in the affirmative for the following :

REASONS

6. The case of the prosecution in brief is that the accused No.1 is the husband and remaining accused are the in-laws of complainant. At the time of marriage, the accused have received Rs.2,00,000/- dowry from the parents of complainant. After the marriage the accused started subjecting the complainant to mental physical cruelty stating that the complainant is not good looking and she does not know the house hold works. They also subjecting her to cruelty on demand of dowry on 19.9.2022 at 7.00 a.m., the accused No.2 to 5 abused and assaulted the complainant and threatened with dire consequences. On these allegations, the complainant has lodged the complaint and on the basis of same, case was registered in Crime No.42/2022 for the offences punishable under Sections 323, 498A, 504 and 506

read with Section 149 of IPC and sections 3 and 4 of Dowry Prohibition Act and FIR was sent to the court.

7. Apprehending their arrest, the petitioners have filed this petition for grant of anticipatory bail.

8. On perusal of prosecution papers, the petitioners are the in-laws of complainant. They are alleged to have subjected the complainant to mental and physical cruelty. The investigation is still in progress. The allegations made in the complaint against the petitioners are subject matter of trial. Though the offence alleged against the petitioners are non-bailable, but the same are not punishable with death or imprisonment for life. The offences alleged are triable by the Court of Magistrate. The petitioners are residing in the given address and have got deep roots in the society. The petitioners are ready to furnish adequate surety/sureties to the satisfaction of the Court. The petitioners are ready to abide any conditions that may be imposed by the Court. The apprehension of prosecution can be met out by imposing stringent conditions on the petitioners. Since the names of petitioners are appearing in FIR, the petitioners have got reasonable apprehension of their arrest in the above said non-bailable offences. Hence, the

petitioners are entitled for grant of anticipatory bail with conditions. Therefore, the above said point is answered in the affirmative and proceed to pass following :

ORDER

The petition filed by petitioners under section 438 of Code of Criminal Procedure, 1973 is hereby allowed.

In the event of arrest of petitioners, the respondent Police are directed to release them on bail in Crime No.42/2022 on their executing personal bond of Rs.50,000/- each with one surety for likesum with following:

CONDITIONS

1. The petitioners shall appear before the respondent/Police officer within two weeks from the date of this order and shall execute necessary bail bonds.
2. The petitioners shall make available themselves for interrogation to the investigating officer as and when required.
3. The petitioners 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 from disclosing such facts to the court or to any Police Officer.

4. The petitioners shall not commit similar or other offences.
5. The petitioners shall not leave India without the previous permission of the court.

(Dictated to the Judgment Writer directly on Computer, script revised, corrected, signed and then pronounced in the open court on this the 15<sup>th</sup> day of October, 2022.)

(Deshpande G.S.)  
Prl. District and Sessions Judge, Bagalkote