

KAVN010015962026



Presented on : 07-03-2026

Registered on : 07-03-2026

Decided on : 17-03-2026

Duration : 10 Days

**IN THE COURT OF
PRL. DISTRICT AND SESSIONS JUDGE VIJAYANAGARA
DISTRICT HOSAPETE
AT, VIJAYANAGARA**

Present

**Sri.K.M.Rajashekar, B.Sc., LL.M.
Prl. District And Sessions Judge
Vijayanagara District Hosapete**

Crl.Misc.Case No.161 of 2026

Dated this the 17th day of March 2026

Petitioners:Accused 1 to 8

A1. Veerabhadra Swamy S/o B. M. Prakash
Age: 36 years, R/o, Banavikallu Village, Kudligi Taluk, Vijayanagara
Dist.

2: A2. B.M. Prakash S/o Late Siddalingaiah
Age: 67
Banavikallu Village

3: A3. Manjula W/o B M. Prakash
Age: 52
Banavikallu Village

4: A4. B M Prabhudeva S/o Late B. M. Siddalingaiah
Age: 65
Banavikallu Village
Now R/o Kankanagara

1st Cross
Shiragate
Tumkur

5: A5. Savitha W/o B M Prabhudeva
Age: 52
Occupation :
Banavikallu Village
Kudligi Taluk
Vijayanagara Dist. Now R/o 1st Cross
Shiragate
Tumkur

6: A6. Manjunatha S/o Late Siddalingaiah
Age: 60
Banavikallu Village

7: A7. Mangala alias Manjula W/o Manjunath
Age: 41
Banavikallu Village

8: A8. Darshan b M s/o B. M. Prakash (Proposed Accused)
Age: 27
Banavikallu Village

(Rep. by Sri. S.Chandrappa. Advocate)

-V/s-

Respondent:

The State by PSI Hosahalli P.S., Kudligi Taluk.
Vijayanagara Dist.

(Rep. by Public Prosecutor).

ORDERS ON BAIL APPLICATION

This Criminal petition filed by the petitioners/accused No.1 to 8 U/sec. 482 of BNSS Act (Old 438 of Cr.PC) seeking anticipatory bail in CR No.23/2026 for offences punishable u/sec. **115(2),351(2),352,85 of Bharatiya Nyaya Sanhita, and U/s. 3,4 of Dowry Prohibition Act,**

2. The allegations in the FIR indicates that the marriage of the complainant with the 1st accused took place about 5- years ago. During the marriage, the accused persons took dowry and gold ornaments from the complainant's side. After short period of marriage, the accused persons started giving physical and mental cruelty to the complainant for want of additional dowry. After 6 months, complainant came to know that accused No.1 had health problems due to excess alcohol consumption and he is unable to have physical intercourse. All the accused gave torture to her and sent her out of the house for want of additional dowry.

3. The petitioners-accused specifically contended that they are innocent of the charges leveled against them. They have not committed any alleged offences. The alleged offences are not punishable with death or imprisonment for life. The petitioners are not an influential persons who could tamper with the prosecution witnesses. There is no chance of their absconding, if let on bail as they are the permanent resident of given address. The petitioners are deeply rooted in the society and a law-abiding citizen, hails from respectable family having movable and immovable properties. Further, petitioners are the only earning member of their family. The petitioners apprehend arrest by the respondent police. They are ready and willing to abide by any conditions. Therefore, the petitioners pray for grant of anticipatory bail.

4. The learned Public Prosecutor has opposed the bail application by filing objections contending that the

petition is not maintainable either in law or on facts. The petitioners have not made out any grounds to grant bail. There is a prima-facie case against the accused persons regarding the alleged offences. The investigation of the case is not yet completed and charge sheet has to be filed. If the petitioners are granted anticipatory bail, there is likelihood of absconding and tampering the prosecution witnesses. The accused may not be available for trial, that may hamper the investigation and trial of the case. Therefore, prays for rejection of the bail application.

5. Heard, both side perused the records.

6. The following points arose for my consideration.

1) Whether, petitioners/accused are entitle for bail as prayed.

2) What order?

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

Point No.1 : In affirmative.

Point No.2 : As per final order for the

following:

REASONS**Point No.1:**

8. Looking at the document available on record it indicates that, after short period of marriage, the accused persons continued to mentally and physically torture the complainant for more dowry. The accused persons not disclosing the matter that accused No.1 is unable to have physical intercourse, performed his marriage with complainant.

9. The learned Counsel for the petitioners vehemently argued that, the alleged offences are triable by the Magistrate Court and they are not exclusively punishable with neither death nor imprisonment for life. The petitioners are innocent of the charges leveled against them and they are respectable citizen of the country. They are the permanent residents of given address having deep roots in the society and also possessed landed properties. They are ready to abide by all the conditions that may be imposed by this Court, as they

have to take care of their family members. If they are not granted anticipatory bail, they will be put to hardship in case of their arrest by the respondent-Police.

10. On the other hand, the learned Public Prosecutor vehemently argued that there are sufficient materials to accept prima-facie case against accused persons. If these accused persons granted bail, there is likelihood of absconding, tampering the prosecution witnesses and destroying the documentary evidence. There is every possibility of the accused escape from the clutches of law resulting hamper in the investigation as well as the trial etc.

11. Upon going through the materials available on record it indicates that, there is M.C.Case No.30/2024 is pending before Senior Division Court, Kudligi. Petitioner/accused No.1 is husband of complainant, other accused are the family members of the accused No.1. It is forthcoming that there is some family normal wear and tear resulting in this domestic

dispute. The permanent residence of the petitioners at the given address not in dispute. Moreover, the alleged offences are not punishable with death or imprisonment for life and those are triable by the Magistrate Court. This is a normal family ware and tare allegation between spouse on domestic difference. Apart from that the Hon'ble Supreme Court time and again reminded the Courts that the Courts should be slow in sending the accused behind bars in simple offences.

12. It is pertinent to note that their Lordships of Hon'ble Supreme Court in the decision reported in **2014(3) KCCR 1977 (SC) between Arnesh Kumar Vs., State of Bihar and another** was pleased to hold as under:

1) Indian Penal Code, 1860-Section 498A-Object and misuse of Section 498-Provision was introduced with avowed object to combat menace of harassment to a woman at hands of her husband and his relatives-Offence under-Is a cognizable and non-bailable offence-This fact has lent it a dubious place of pride amongst provisions that are used as weapons rather than shield by disgruntled wives-Simplest way to harass is to get husband and his relatives arrested under this provision-In a quite number of cases, bed-ridden grand-fathers and grand-mothers of husbands, their sisters living abroad for decades are arrested.

Their Lordships have further held that:

“Arrest brings humiliation, curtails freedom and cast scars forever. Law-makers know it so also the police. There is a battle between the lawmakers and the police and it seems that police has not learnt its lesson; the lesson implicit and embodied in the Cr.P.C. It has not come out of its colonial image despite six decades of independence, it is largely considered as a tool of harassment, oppression and surely not considered a friend of public. The need for caution in exercising the drastic power of arrest has been emphasized time and again by Courts but has not yielded desired result. Power to arrest greatly contributes to its arrogance so also the failure of the Magistracy to check it. Not only this, the power of arrest is one of the lucrative sources of police corruption. The attitude to arrest first and then proceed with the rest is despicable. It has become a handy tool to the police officers who lack sensitivity or act with oblique motive.”

The said proposition of law is squarely applicable to the case on hand. Under the facts and circumstances of this case. I am of the opinion that, the petitioners-accused have made out ground for granting anticipatory bail. The apprehension of the prosecution regarding the non-availability for trial, tampering witnesses etc., could be easily met with by imposing appropriate stringent conditions. Under the facts and circumstance of this case, I am of the opinion that petitioners-accused are entitle for bail and it is deemed fit to grant the benefit of anticipatory bail to the petitioners. Accordingly, Point No.1 is answered in the Affirmative.

Point No.2: In the result, I pass the following:

ORDER

The Bail Application filed U/s.482 of BNSS by the petitioners/accused No.1 to 8 is allowed.

In the event of arrest in CR No.23/2026, the Respondent police is directed to release the petitioners/accused on bail on executing personal bond for a sum of Rs.10,000/- each with one sureties for the like sum.

CONDITIONS

- 1) The petitioners shall not tamper the witness.
- 2) The petitioners shall co-operate for investigation.
- 3) The petitioners shall attend the court and co-operate for trial.

(Dictated to the judgment writer directly on computer. Script thereof is corrected and then pronounced by me in the open court on this the 17th day of March 2026).

(K.M.RAJASHEKAR)
Prl. District And Sessions Judge,
Vijayanagara District Hosapete