

**IN THE COURT OF III ADDL. DISTRICT AND
SESSIONS JUDGE, VIJAYAPURA
(IN-CHARGE OF II ADDL. DISTRICT &
SESSIONS AND SPL. JUDGE, VIJAYAPURA)**

Present: Sri. Khadarsab Husensab Benakatti B.A.L.L.M
III Addl. District and Sessions Judge
Vijayapura

Dated this 05th day of June 2026

Crl. Misc. No. 501/206

Petitioners:

[Accused No. 1 to 3 & 6]

1. Anand S/o Bhagu Naik,
Age: 34 years, Occ: Agriculture,
R/o: Nimbali B.K. L.T., Tq: Indi,
Dist: Vijayapura.
2. Tarabai W/o Bhagu Naik,
Age: 58 years, Occ: H.H. Work,
R/o: Nimbali B.K. L.T., Tq: Indi,
Dist: Vijayapura.
3. Bhagu S/o Chandu Naik,
Age: 59 years, Occ: Agriculture,
R/o: Nimbali B.K. L.T., Tq: Indi,
Dist: Vijayapura.
4. Vanita W/o Pandurang Chavan,
Age: 40 years, Occ: H.H. Work,
R/o: Kannal L.T., Tq/Dist: Vijayapura.

[By Sri.V.S.Rathod, Advocate]

V/s.

Respondents:

1. The State of Karnataka.
Through PSI Vijayapura women P.S.,

[By Learned Public Prosecutor]

2. Anjana W/o Anand Naik,
Age: 30 years, Occ: H.H. Work,
R/o: Nimbali B.K. L.T., Tq: Indi,
Dist: Vijayapura.

[By Sri.A.S.Lokur, Advocate]

ORDER

Petitioners filed bail petition U/Sec.482 of BNSS-2023 in connection with Vijayapura women P.S., Crime No.54/2026, for the offences punishable U/Sec.85, 109, 352 R/w. Sec.190 of BNS-2023 and U/Sec.4 of Dowry Prohibition Act.

2. This bail application is moved by the petitioners through the counsel urging the divergent grounds herein.

3. In response to the notice the learned Public prosecutor appearing for the State and respondent No.2 appeared through her counsel resisted the bail application by filing the written objections contending inter-alia therein respectively.

4. In view of the factual allegations and rival contentions urged by the parties, following point arises for my consideration and determination:-

Whether the petitioners have made out grounds for grant of anticipatory bail?

5. I have heard the arguments on behalf of petitioners and respondent No.1 and given thoughtful consideration to the submissions and carefully perused the material on record.

6. My answer to the aforesaid point is in ***Affirmative*** for the following:

REASONS

7. In support of bail application, the learned counsel appearing for the petitioners submit that the petitioners are innocent and they have not committed any offences as alleged in the complaint. They are agriculturist having agriculture establishment having firm roots in the society. There is delay in filing the complaint. The petitioners are ready and willing to abide by any conditions and to furnish the surety to the satisfaction of the court.

8. I have gone through the basic factual matrix of this prosecution case. It is alleged that, complainant is the wedded wife of accused No.1 and their marriage had been solemnized on 27.04.2022. At the time of their marriage the parents of complainant had given 10 tola of gold and rupees ten lakhs. Immediately after marriage complainant joined the company of accused No.1 and lead happy

marital life about one month. Thereafter, accused persons started to ill-treat the complainant for bring additional dowry from her parental house and have poured the petrol on complainant and tried to kill her. Accused persons have imposed both mental and physical cruelty upon complainant for bring additional dowry. Accordingly, she has lodged the complaint against the accused persons.

9. It is well settled law that court would grant or refuse anticipatory bail after taking into consideration the following factors namely:

1. *The nature and gravity of the accusation.*
2. *The antecedents of the petitioners including the fact as to whether the accused has previously undergone an imprisonment on conviction by a court in respect of any cognizable offence.*
3. *The possibility of the petitioners to flee from justice and*
4. *Where the accusation has been made with the object of injury or humiliating the applicant by having him so arrested.*

10. It is also well settled law that mere allegation of a non-bailable offence against a person of his apprehension that he would be arrested is not sufficient to grant anticipatory bail. The grant of anticipatory bail is an

exceptional power and should be exercised only in exceptional cases and not in general cases.

11. Keeping in mind the above principles of law, let me examine the case on hand. The learned counsel appearing for the petitioners/accused argued that the petitioners/accused are innocent and they have been falsely implicated in the present case. Per contra, the learned Public Prosecutor opposed the grant of anticipatory bail to the petitioners.

12. I have bestowed my anxious consideration to the arguments put-forth by the learned counsel for the petitioners and the learned Public Prosecutor. I have carefully perused the records. The records reveal that the respondent No.1/police have registered the case against the petitioners/accused persons for the offences punishable U/Sec.85, 109, 352 of BNS-2023 and Sec.4 of Dowry Prohibition Act.

13. It is settled position that the court, while considering the bail petition, need not dwell upon the merits of the case or examine the veracity of the complaint allegations, as such an attempt by the Court, would prejudice the case of either side in one way or the other

during trial. In other words, only on the prima-facie materials on record the court has to decide whether to grant or reject the bail application.

14. Since offence U/Sec.109 of BNS-2023 attract maximum punishment of imprisonment for life. Maximum punishment for the offence punishable U/Sec.4 of D.P Act is six months to two years. Moreover, no injuries suffered by the complainant.

15. On perusal of entire materials available on records, it reveals that alleged incident was took place on 27.05.2022 to 09.02.2026, however, complaint came to be lodged only on 16.04.2026; thus, there is inordinate delay in lodging the complaint and said delay is not satisfactorily explained.

16. In this case, the offences alleged against the petitioners/accused are not exclusively punishable with death or life imprisonment. Except offences U/Sec.85, 109 of BNS-2023 and U/Sec.4 of D.P Act, other offences are bailable in nature. Admittedly, the petitioner No.2 and 3 are age old persons and petitioner No.1 is an agriculturist. Whether the petitioners/accused have committed the

alleged offences or not has to be established during the course of trial.

17. On perusal of complaint averments it reveals that, complainant has filed the complaint against her husband and all the family members of her husband.

18. At this stage, there is nothing on record to infer that the presence of the petitioners/accused cannot be secured before the court in the event of grant of anticipatory bail. The petitioners/accused have undertaken to abide by the conditions of the court and to offer surety for satisfaction of the court.

19. Thus, desisting from holding a mini trial, on the basis of the prima-facie materials on record, this court is of the considered view that at this stage there are no strong grounds so as to deny anticipatory bail to the petitioners/accused.

20. One of the considerations that has to be kept in mind by the court while granting bail is to ensure presence of the petitioners/accused before the court or the Investigation Officer as and when necessary.

21. As discussed supra involvement and participation of petitioners/accused in the crime, as a

matter of trial and allegations made in the complaint are required to be established and proved, at the touch stone of evidence.

22. On perusal of the complaint averments, it clearly indicates that, there is some normal family wear and tear; difference between the complainant and her husband/accused No.1 and other accused persons; it appears that the relationship of the complainant with her husband and other accused persons have got strained. The main allegation against the accused persons are that they have given ill-treatment and extended life threat to the complainant. On careful perusal of complaint and FIR, it seen that, the name of petitioners are appearing as accused, hence there are reasons to believe that they may be arrest on accusation of having committed non-bailable offences. Arrest bring humiliation curtails freedom and casts scours forever. There is no specific overt acts alleged exclusively against the petitioners. In fact, they appear to be common against all accused.

23. Considering the gravity of the offences and the punishment provided thereof and circumstance under which the alleged offences has taken place, this court is of

the opinion that the petitioners have made out grounds for grant of anticipatory bail. Accordingly, I answer above point in ***Affirmative*** and proceed to pass the following:

ORDER

Petition is allowed. Petitioners/A1 to 3 and 6 shall be enlarged on bail, in case of arrest in crime No.54/2026 of Vijayapura women P.S. for offences punishable U/Sec.85, 109, 352 R/w. Sec.190 of BNS-2023 and U/Sec.4 of D.P Act, subject to following conditons;

1. Petitioners shall appear before Investigating Officer within 15 days from date of this order and execute personal bond in a sum of Rs.50,000/- each with one surety for likesum.
2. They shall appeared before Investigating Officer for purpose of investigation as and when required and co-operate with investigation.
3. Until filing of charge sheet, they shall also mark their attendance with Investigating Officer between 9.00 a.m, to 4.00 p.m. every alternative Sunday beginning from 07.06.2026.
4. They shall not threaten, tamper or influence prosecution witnesses, either directly or indirectly.

5. They shall not indulge in any criminal activities.
6. They shall forthwith inform change of residence to Investigating Officer.

[Dictated to the Stenographer-Grade-III directly on the Computer, typed by him, corrected and then Order pronounced by me in the Open Court on this 05th day of June 2026]

[Khadarsab Husensab Benakatti]

III Addl.District & Sessions Judge
Vijayapura.

In-charge of II Addl. District &
Sessions and Spl. Judge Vijayapura

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