

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO.238 OF 2026

BETWEEN:

1. ANIRBAN CHAKRABORTY,
S/O ALOK CHAKRABORTY,
AGED ABOUT 34 YEARS,
R/AT NO. 2216, 2ND CROSS,
BALAJI LAYOUT, KANAKAPURA MAIN ROAD,
RAGHUVANAHALLI, THALAGHATTAPURA,
BENGALURU - 560109.
2. ALOK CHAKRABORTY
S/O PARIMALENDU CHAKRABORTY,
AGED ABOUT 66 YEARS
R/AT NO. 2216, 2ND CROSS,
BALAJI LAYOUT, KANAKAPURA MAIN ROAD,
RAGHUVANAHALLI, THALAGHATTAPURA,
BENGALURU - 560109

PERMANENT RESIDENT OF
KIRANALAYA, CODEBDAS BABDY,
OPADHYAY, PREMBAZAR HIJLI,
CO-OP SOCIETY, KHARAGPUR (M)
PASCHIM MEDINIPUR, WEST BENGAL - 721306.
3. SMT. KABITA
W/O ALOK CHAKRABORTY,
AGED ABOUT 62 YEARS,

R/AT NO. 2216, 2ND CROSS,
BALAJI LAYOUT, KANAKAPURA MAIN ROAD,
RAGHUVANAHALLI, THALAGHATTAPURA,
BENGALURU - 560109

PERMANENT RESIDENT OF

KIRANALAYA, CO-OP SOCIETY PREMBAZAR,
KHARAGPUR (M), HIJLI,
PASCHIM MEDINIPUR, WEST BENGAL - 721306.

...APPELLANTS

(BY SRI. H.S. CHANDRAMOULI, SR. COUNSEL A/W
SRI. K.A. CHANDRASHEKARA, ADV.)

AND:

1. THE STATE OF KARNATAKA
BY THE POLICE OF
THALAGHATTAPURA POLICE STATION,
BENGALURU - 572 201
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU - 560109.

2. PRASAD MONDAL
FATHERS NAME
NOT KNOWN TO THE APPELLANTS,
VIMALA NILAYA,
PERAMBRA POST, PERAMPORA
KOZHIKODE, KOZHIKODE CITY,
KERALA - 680689.

...RESPONDENTS

(BY SRI. B. LAKSHMAN, HCGP FOR R1,
SRI. JOSEPH ANTHONY, ADV. FOR R2.)

THIS CRL.A IS FILED U/S 14(A)(2) OF SC/ST (POA) ACT
PRAYING TO SET ASIDE THE ORDER DATED 31.01.2026
PASSED BY THE LEARNED II ADDL DISTRICT AND SESSIONS
JUDGE, BENGALURU RURAL DISTRICT, BENGALURU IN
CRL.MISC.NO.17/2026 AND GRANT THEM ANTICIPATORY BAIL
IN THE EVENT OF THEIR ARREST IN CRIME NO.457/2025 OF
THALAGHATTAPURA POLICE STATION, BENGALURU CITY NOW
PENDING ON THE FILE OF THE LEARNED II ADDL DISTRICT
AND SESSIONS JUDGE, BENGALURU FOR THE OFFENCE P/U/S
103(1),80,85,123 AND 61(2) R/W SEC.3(5) OF BNS 2023 AND
SEC.3(2)(v) OF SC/ST (POA) ACT 1989.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR
JUDGMENT ON 25.02.2026 AND COMING ON FOR

"PRONOUNCEMENT OF ORDERS" THIS DAY, THE COURT, DELIVERED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

CAV JUDGMENT

Appellants have preferred this appeal against the order dated 31st January, 2026 passed in Crl.Misc.No.17 of 2026 by the II Addl. District and Sessions Judge, Bengaluru Rural District, Bengaluru (for short "the trial Court").

2. Brief facts leading to this appeal are that, on the basis of the complaint filed by one Prasad Mondal, Talaghattapura Police have registered the case in Crime No.457/2025 against accused 1 to 3 for the commission of offence under Section 103(1), 80, 85, 123, 61(2) read with Section 3(5) of BNS, 2023 and Section 3(1)(v) of SC & ST (Prevention of Atrocities) Act, 1989 (for short 'SC/ST (PoA) Act'.

3. The appellants have filed application under Section 482 of BNSS, 2023 for grant of anticipatory bail and same came to be rejected by the II Additional District & Sessions Judge, Bengaluru Rural District by the order impugned. Being aggrieved by this order, the appellants have preferred this appeal.

4. Sri. Chandramouli, learned Senior Counsel appearing on behalf of Sri. K.A. Chandrashekara, counsel for the appellants, would submit that the appellants are innocent of offence alleged. They have been implicated in the crime for extraneous reasons, misusing the social beneficial legislation, without any wrong or offence committed by any of them. There are no reasonable grounds to believe that appellants are guilty of the alleged offences, as none of the ingredients of the alleged offences are attracted. It is well settled that the criminal proceedings is not for vindication of private defence, but for prosecuting the offender in the interest of the society. It is for maintaining orderliness in the society, certain acts are constituted, and hence right is given to the citizens to set criminal law into motion. Still, the respondent no.2 herein chooses to initiate criminal proceedings for obvious reasons, which is a clear case of abuse of process of law. Respondent no.2 filed the present case, which is not honest and is malafide. Further, he would submit that, bare reading of the complaint itself shows that, complaint has been obtained by the respondent police to suit their case. There is no specific overt act against each of the accused. The allegations are general in nature. There is no place or a specific word alleged to have been abused by any of the accused forthcoming in the

complaint. By any stretch of imagination the same is not in a public view and at a public place. The respondent police, without verifying the truth or otherwise of the fact, registered the complaint. The marriage of the appellant no.1 and Smt. Shooli Mondol (now deceased) took place on 12.08.2021. Couple is blessed with a boy baby which is now aged about two and a half years, who is within the custody of the appellants. Smt. Shooli Mondol (now deceased) having studied BAMS became an Ayurvedic doctor. She herself knew her health conditions better than others. The appellant no.1 is a B.Tech graduate and joined a good company and getting good salary. At no point of time, either the appellant no.1 or his parents demanded or accepted dowry either from his wife or from her parents. Deceased died because of sudden health problems. Allegation of the said demand/acceptance of dowry is imaginary and is glorified for the purpose of the case. Further, he would submit that since Smt. Shooli Mondol complained of severe headache on 19.12.2025. Appellant No.1 took her to Manipal Hospital, where treatment was given and she was advised to go for certain tests. However, she refused to go for such tests and discarded that request which shows that if she had followed up treatment, this unfortunate incident would not have happened. Now the respondent no.1-police without verifying the truth or

otherwise, at the instance of the parents of Smt. Shooli Mondol, have registered this case. He would submit that the learned Sessions Judge, dismissed the bail application without considering the medical records though produced, and the same is liable to be set aside. Further, he would submit that since the offences for which case has been registered are a non-bailable offence and the respondent no.1-Police are making acute attempts to arrest the appellants, and in the event of their arrest they would be subjected to torture, humiliation and disgrace in the public and the same will come in the way of service career of appellant no.1 who is working for a company and will take toll on the health conditions of appellants 2 and 3. Further, the police are often visiting the houses of the appellants and their relatives and making enquiries and threatening them to produce the appellants or to face the consequences. Though no prima facie case made out by the prosecution, the Learned Sessions Judge rejected the petition. The appellants 2 and 3 respectively, are aged 66 and 62 years. Appellant No.3 is a woman and hail from respectable family. They are permanent residents of West Bengal at the address shown in the cause-title. The appellant no.1 was looking after his wife well and they were cordial with each other. Appellants 2 and 3 were residents of West Bengal. They often visiting to

see their son and grandchild. The Learned Sessions Judge had wrongly rejected the petition filed by the appellants, which is prejudiced to the case of the appellants. On all the grounds sought to allow the application. The medical records of the deceased is also produced with a memo. To substantiate his arguments, the learned Senior Counsel has relied on the following judgments:

1. SALIB @ SHALU @ SALIM v. STATE OF UP AND OTHERS rendered in Criminal Appeal No.2344 of 2023 decided on 08.08.2023;
2. MANOHAR LAL v. STATE OF HARYANA - (2014)9 SCC 645;
3. SIDDHARAM SATLINGAPPA MHETRE v. STATE OF MAHARASHTRA AND OTHERS - (2011)1 SCC 694; and
4. CHARAN SINGH @ CHARANJIT SINGH v. STATE OF UTTARKHAND - (2024)13 SCC 649.

5. Respondent no.2 appeared through his counsel and filed written objection. He sought for dismissal of the criminal appeal. Along with the statement of objection, the copy of the post mortem report of the deceased Shooli Mondol is also produced. The learned counsel has reiterated the averments made in the statement of objection. He has specifically

submitted that the present appeal for anticipatory bail is hit by the absolute statutory bar contained in Section 18 and 18A of the Act. These provisions explicitly exclude the application of Section 482 of Bharatiya Nagarika Suraksha Sanhita, 2023 reflecting the Parliament's intent to protect victims of systematic caste-based violence from the threat of intimidation and subversion of justice. In the present case, there are prima facie materials to attract the alleged commission of offence. Hence there is bar under Section 18 of SC/ST (PoA) Amendment Act, 2015. Appellants 2 and 3 left for Kolkota on 18.12.2025 immediately prior to the death which is a highly suspicious circumstance. Section 118 of the Bharatiya Suraksha Adhiniyama is clearly attracted and operates against the appellants. On all these grounds it is sought for dismissal of appeal. To substantiate, the learned Counsel has placed reliance on the following judgments:

1. KIRAN v. RAJKUMAR JIVRAJ JAIN AND ANOTHER
- (2025) SCC ONLINE SC 1886;
2. OM PRAKASH v. STATE OF PUNJAB - 1961 SCC
ONLINE SC 72;
3. DEVENDER SINGH v. STATE OF UTTARAKHAND -
(2022) 13 SCC 82;

4. MAYA DEVI v. STATE OF HARYANA - (2015)17 SCC 405; AND

5. BANSILAL v. STATE OF HARYANA - (2011)11 SCC 359.

6. Having heard the arguments on both sides and on perusal of records, the following points would arise for my consideration:

1. Whether the appellants have made out a grounds for grant of anticipatory bail as sought for?

2. What order?

7. My answers to the above points are:

Point No.1: Partly in the affirmative;

Point No.2: as per final order.

Regarding Point No.1:

8. I have examined the material placed before this court. On the basis of the complaint filed by Prasad Mondol, Talaghattapura Police have registered a case in Crime No.457 of 2025 against accused 1 to 3 for the commission of offences punishable under Sections 103(1), 80, 85, 123, 61(2) read with 3(5) of BNS, 2023 and Section 3(2)(v) of SC/St (PoA) Act. In the complaint, it is stated as under:

"Respected Sir,

I, the undersigned Complainant, am the father of the deceased, Mrs. Shooly Mondol.

I am filing this formal complaint to bring to your immediate attention a heinous crime committed against my daughter, resulting in her suspicious and unnatural death between the intervening night of 19th and 20th December 2025, within the jurisdiction of your police station.

1. My daughter, Shooly Mondol, was married to the Accused No. 1, Mr. Anirban Chakraborty, on August 12, 2021. Since the inception of the marriage, the matrimonial home became a site of continuous torture, on account of the fact that the deceased victim belonged to a "low-caste" while her husband was from a "high caste". Throughout the marriage, the parents-in-law (Accused No.2, and persistently harassed and tortured the victim on caste grounds. She was subjected to inhumane treatment and practiced untouchability; specifically, she was not allowed to eat at the same table as the family and was forbidden from drinking water from the same vessels used by the accused. This conduct was intended to humiliate her and constitutes an offense under the SC/ST (Prevention of Atrocities) Act.

2. The accused persons (Husband and In-laws) frequently demanded money and gold as dowry, wherein the deceased parents had given 236 gms of gold and Rs. 4,00,000/- as dowry, which constitutes an unlawful demand under Section 86 of the Bharatiya Nyaya Sanhita (BNS), 2023. When these demands were not

met, they subjected Shooly to cruelty as defined under Section 86 BNS. This involved willful conduct likely to cause grave injury to her health (mental and physical). She was often denied food, verbally abused physically assaulted, and confined to her room.

3. On 19.12.2025 (Friday), the victim complained of stomach ache, vomiting, any dizziness. The husband took her to the hospital but, suspiciously, got her discharged without completing all necessary medical tests and brought her back to the residence. On 20.12.2025 (Saturday), early in the morning, her condition worsened, and she called for an ambulance. By the time the medical response team arrived, she had already passed away. The in-laws (accused 2 & 3) are Pharmacists by profession and possess expert knowledge of drug and substances. Furthermore, they suddenly left for Kolkata on the morning of December 18, 2025. We strongly suspect this is a case a premeditated Murder by Poisoning (Section 103 BNS), executed using their professional access to toxic substances.

4. On the dates of 18th and 19th December 2025, the deceased victim was residing at her matrimonial home. We received information via phone call today from the Hospital that Shooly had passed away. Shooly was a healthy individual with no history of life-threatening ailments or cardiac issues. The suddenness of her death, combined with the lack of any natural cause, clearly points to an unnatural death "otherwise than under normal circumstances" as stipulated in Section 80 BNS.

5. I have strong reasons to believe, based on the prior conduct of the accused and the sudden nature of the

death, that the three accused persons-Anirban Alok, and Kavita Chakraborty-conspired together (Section 61 BNS) to murder my daughter. It is suspected that they administered a poisonous stupefying or unwholesome substance to her in her food or drink, an act punishable under Section 123 BNS read with Section 103 BNS (Murder). This act was done in furtherance of a Common Intention (Section 3(5) BNS shared by all three suspects to kill her, likely to evade the legal consequences of their downy harassment or to facilitate a second marriage for Accused No.1. We suspect foul play, as the in-laws are pharmacists, and also suddenly left for Kolkata on the morning of December 18, 2025.

6. As the death has occurred within seven years of marriage under unnatural circumstances, and was immediately preceded by persistent cruelty regarding dowry demands, this constitutes Dowry Death under Section 80 of the BNS, 2023. Under this section, the law presumes that the husband and his relatives caused the death.

7. I request you to register the FIR under the following provisions of the Bharatiya Nyaya Sanhita (BNS), 2023:

- Section 103(1) Punishment for Murder.*
- Section 80: Dowry Death.*
- Section 85: Husband or relative of husband of a woman subjecting her to cruelty.*
- Section 61: Criminal Conspiracy.*
- Section 3(5): Acts done by several persons in, furtherance of common intention.*
- Section 123: Causing hurt by means of poison with intent to commit an offense.*

- *Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act.*

8. I earnestly request you to:

- *I. Register the FIR immediately as per the mandate of Section 173 BNSS*
- *without delay.*
- *II. Take immediate custody of the body and ensure a Video-Graphed PostMortem Examination by a panel of doctors to ascertain the exact cause of death.*
- *III. Preserve the Viscera samples and dispatch them to the Forensic Science Laboratory (FSL) on a priority basis to detect the nature of the poison.*
- *IV. Arrest the named suspects to prevent them from tampering with evidence*
- *or intimidating witnesses.*
- *V. Conduct a Spot Mahazar (Scene Inspection) at the residence and seize any food items, utensils, or potential poison containers.*

I am willing to co-operate fully with the investigation."

9. The medical records of the deceased issued by Manipal Hospital reveals that the deceased Shooli Mondol admitted to the hospital on 19.01.2025 at 05.30 p.m with history of sudden onset of severe headache, more in fronto parietal region, throbbing, increases with head movements associated with nausea, 1 episode of vomiting, greenish non-

bloody and projectile. The General condition was comfortable; Pulse: normal; heart sounds: S1, S2; Abdomen: soft and non tender; bowel sounds: normal and it was diagnosed: headache for evaluation, intracranial pathology, migraine, sinusitis vs other causes. Further it is noted that patient came to ED with above-mentioned history IV analgesia, PPI, antiemetic given. Suggested brain imaging, blood investigations, however patient refused for the same and requested only for symptomatic care and hence discharged at request. It is also stated that Patient condition eventually improved with symptomatic care and upon discharge suggested medication, paracetamol 1 gram for 3 daysT Levo Cetrizie 1 gram for 3 days; T Pan 40.mg for 3 three days;and T Emeset and T Rizact each for three days. The photos of the deceased and accused no.1 with child and family photos are also produced.

10. On perusal of the complaint, it is seen that the complainant has shown the name and address of the accused 2 and 3 as residents of No.2216, II Cross, Balaji Layout, Kanakapura Road, Bengaluru. However, in the statement of objections filed by respondent No.2 at paragraph 13, it is clearly stated that appellants 2 and 3 are permanent residents of West Bengal and do not ordinarily reside within the

jurisdiction of this Court, which significantly indicates that they are evading the process of law and in the event if anticipatory bail being granted, there exists a substantial and real risk of absconding, thereby frustrating the investigation and trial. Therefore, admittedly, appellants 2 and 3 are residing in West Bengal and the victim was residing with her husband accused No.1/appellant No.1-Anirban Chakraborty at No.2216, II Cross, Balaji Layout, Kanakapura Road, Bengaluru. The plain reading of the complaint, it is not clear as to on which date, month or year, the appellants 2 and 3 have demanded money and gold as dowry and that there is no allegation in the complaint that on 19th December, 2025, appellants 2 and 3 were present. It is also not disputed that appellants 2 and 3 are aged about 66 and 62 years respectively. They are senior citizens. There is no direct evidence against appellants 2 and 3 as to commission of alleged offence. At this stage, there are no sufficient prima facie material to constitute the alleged offence against appellants 2 and 3. Considering the age of the appellants 2 and 3 and for want of direct evidence against the appellants 2 and 3 and the nature and gravity of the offence, prior antecedents of appellants 2 and 3, I am of the opinion that it is just and proper to grant anticipatory bail to appellants 2 and 3 with conditions.

11. With regard to appellant No.1-Anirban Chakraborty is concerned, admittedly, he is the husband of the deceased and the investigation is not yet completed. Without interrogation of accused No.1/appellant No.1 herein, it is difficult to conduct fair investigation of the case. The alleged commission of offence is punishable with death or imprisonment for life. Considering the nature and gravity of offence, at this stage, if accused No.1/appellant No.1 is released on anticipatory bail, it will affect the society at large. Accordingly, I answer the Point No.1, partly in the affirmative. I the result, I proceed to pass the following:

ORDER

- i) Appeal is allowed in part;
- ii) Impugned Order 31st January, 2026 passed in Crl.Misc.No.17 of 2026 by the II Addl. District and Sessions Judge, Bengaluru Rural District, Bengaluru passed against appellant No.1/Accused No.1-Anirban Chakraborty is confirmed;

- iii) The Impugned Order passed against appellants 2 and 3 is set aside. Appeal filed by appellants 2 and 3 is allowed.
- iv) Consequently, application filed under Section 482 of BNSS is allowed. Appellant No.2-Alok Chakraborty and appellant No.3-Smt. Kabita, shall be released on bail upon executing a self-bond for Rs.1,00,000/- each with one surety for the likesum to the satisfaction of the Investigating Officer, in the event of their arrest in Crime No.457 of 2025 of Thalaghattapura Police Station;
- iv) Appellants 2 and 3 shall assist the Investigating Officer for investigation;
- v) Appellants 2 and 3 shall not tamper or threaten the prosecution witnesses in any manner;
- vi) Registry to send the copy of this order to the concerned court.

**Sd/-
(G BASAVARAJA)
JUDGE**

Inn