



IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH
DATED THIS THE 20TH DAY OF AUGUST, 2025
BEFORE
THE HON'BLE MR JUSTICE S.VISHWAJITH SHETTY
CRIMINAL PETITION NO. 102771 OF 2025
(439(CR.PC)/483(BNSS))

BETWEEN:

RIYAZ S/O ALIF JHARE,
AGE. 25 YEARS, OCC. COOLIE,
R/O. GAVISIDDANMADDI, ATHANI,
DIST. BELAGAVI-590 001.

... PETITIONER

(BY SRI. VANTI MAHAMMAD SHARIF LATIF, ADVOCATE)

AND:

STATE OF KARNATAKA,
BY PSI ATHANI POLICE STATION,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA, DHARWAD BENCH,
AT: DHARWAD-580 001.

... RESPONDENT

(BY SMT. KIRTI LATA R. PATIL, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF CR.P.C. (UNDER SECTION 483 OF BNSS), PRAYING TO ALLOW THE PETITION AND ENLARGE THE PETITIONER/ACCUSED NO.1 ON BAIL IN ATHANI POLICE STATION CRIME NO.0164/2025 PENDING ON THE FILE OF THE LEARNED PRL. CIVIL JUDGE (JR.DN) AND JMFC COURT ATHANI, REGISTERED FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 80, 85 OF THE BHARATIYA NYAYA SANHITA (BNS) 2023, IN THE INTEREST OF JUSTICE.

THIS PETITION, COMING ON FOR ORDERS THIS DAY, ORDER
IS MADE THEREIN AS UNDER:



ORAL ORDER

(PER: THE HON'BLE MR JUSTICE S.VISHWAJITH SHETTY)

1. Accused No.1 in Crime No.164 of 2025 registered by Athani Police Station, Belgaum District, for offences punishable under Sections 80 & 85 of BNS, 2023 and Sections 3 and 4 of Dowry Prohibition Act, 1961 is before this Court under Section 483 of BNSS, 2023 seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.164 of 2025 was registered by Athani Police Station, Belgaum District, initially for offences punishable under Sections 80 and 85 of BNS, 2023 against petitioner and his family members, based on the first information dated 19.04.2025 received from Smt. Munera Najeer Muzawar, mother of deceased Apsana Riyaz Jhare, who was the wife of the petitioner. During the course of investigation, petitioner herein was arrested on 23.04.2025 and subsequently remanded for judicial custody. His bail application filed before the Jurisdiction Sessions Court in Criminal Miscellaneous No.670 of 2025 was rejected on 11.06.2025. Therefore, he is before the Court.



4. Perusal of the material on record would go to show that marriage of the petitioner with deceased Apsana was performed about two years prior to the date of registration of FIR in the present case. In the typed first information dated 19.04.2025 submitted by the mother of the deceased, she has alleged that at the time of marriage, as per the demand made by the accused, dowry was paid. However, accused continued to demand additional dowry from Apsana and she was allegedly tortured and ill-treated in her matrimonial house in furtherance of the demand for additional dowry. In the first information, it is also alleged that accused No.2, who is the sister of the petitioner, had an illicit relationship with accused No.5, which was opposed by the deceased and even for the said reason, she was being ill-treated in her matrimonial house. Investigation of the case is now completed and charge sheet has been filed. Though in the first information, five persons are arrayed as accused, charge sheet is now filed only as against the petitioner. Either in the first information or in the charge sheet, there is no mention of any specific instances of the petitioner ill-treating his wife for bringing additional dowry. The



particulars of any such incident are not found in the charge sheet.

5. Undisputedly, the couple had no issues born from their wedlock. Though in the first information it is alleged that for the reason that accused Nos.2 and 5 named in the FIR had illicit relationship, which was opposed by the deceased, she was being ill-treated in her matrimonial house, such an allegation is not found in the charge sheet. Petitioner, aged about 25 years, having no other criminal antecedent, is in custody for the last nearly four months. Investigation of the case is completed and charge sheet has been filed. Material on record would go to show that after deceased had committed suicide in her matrimonial house, it was the petitioner who had taken her to the hospital and also informed her mother about the incident. The alleged offence is not exclusively punishable with life imprisonment or death sentence. Under the circumstances, I am of the opinion that the prayer made by the petitioner for grant of regular bail needs to be answered affirmatively. Accordingly, the following:

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ORDER

Criminal petition is allowed.

Petitioner is directed to be enlarged on bail in Crime No.164 of 2025 registered by Athani Police Station, Belgaum District, for offences punishable under Sections 80 & 85 of BNS 2023 and Sections 3 and 4 of Dowry Prohibition Act, 1961, subject to the following conditions:

- i. The petitioner – accused shall execute personal bond for a sum of Rs.1,00,000/- with two sureties for the like sum to the satisfaction of the jurisdictional Court;
- ii. The petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;
- iii. The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;



- iv. The petitioner shall not involve in similar offences in future.
- v. The petitioner shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE