HC-KAR

NC: 2026:KHC:14238
CRL.P No. 2182 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL PETITION NO. 2182 OF 2026 (438(Cr.PC) / 482(BNSS))

BETWEEN:

1. AFROZ KHAN
   S/O RIYAZKHAN SOUDAGAR,
   AGED ABOUT 38 YEARS,
   R/AT KOTE BEHIND QILLA,
   MASJID RANIBENNUR, DISTRICT
   HAVERI – 581 115,
   NOW: AT SIDDHARUDHANAGAR
   OLD HUBBALI, HUBBALI – 580 024

…PETITIONER

(BY SRI. VIDYASAGAR. H. V..,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA BY
   DAVANAGERE POLICE STATION,
   REP BY ITS STATE PUBLIC PROSECUTOR
   HIGH COURT COMPLEX,
   BENGALURU – 560 001

…RESPONDENT

(BY SRI. RANGASWAMY, HCGP)

Digitally signed by SREEDHARAN BANGALORE SUSHMA LAKSHMI
Location: High Court of Karnataka

THIS CRL.P IS FILED UNDER SECTION 438 CR.PC (FILED U/S 482 BNSS) PRAYING TO RELEASE / ENLARGE THE PETITIONER ON ANTICIPATORY BAIL IN THE EVENT OF HIS ARREST IN CR.NO.172/2025 OF RESPONDENT DAVANAGERE WOMEN P.S. FOR THE ALLEGED OFFENCE PUNISHABLE UNDER SECTIONS 3, 4 OF D.P ACT 1961 AND SECTIONS 115(2), 318, 190, 352, 85, 54 OF BNS 2023 PENDING ON THE FILE OF 2ND ADDITIONAL CIVIL JUDGE (SR.DN) AND J.M.F.C COURT DAVANAGERE DISTRICT.

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL ORDER

1. The present petitioner is arraigned as accused No.1 in CC No.279/2026 (Crime No.172/2025) of Davanagere Women Police Station for the offences punishable under Sections 3, 4 and 6 of Dowry Prohibition Act, 1961 and Sections 115(2), 318(2), 318(4), 319(2), 190, 352, 85, 54 of Bharatiya Nyaya Sanhita, 2023 pending on the file of the II Additional Civil Judge (Sr.Dn.) and JMFC Court, Davanagere.

Brief facts of the case:

2. The case of the prosecution is that the complainant was working as a Teacher at Hirehalli village, Mundugodu, Sirsi

Taluk. The petitioner herein and the complainant are the husband and wife, and their marriage was solemnized on 13.04.2025. At the time of marriage, gold jewellery was given to the complainant by her parents. After the marriage, the said jewellery was taken by the petitioner and others, and it is alleged that demand was made for a sum of Rs.20,00,000/- as additional dowry and subjected her to cruelty both mentally and physically.

3. It is further alleged that the petitioner was demanding the salary of the complainant and also had raised loan on the basis of the said salary for the purpose of purchasing a site. It is further alleged that the complainant was subjected to cruelty at the hands of the petitioner and others. Hence, she lodged a complaint before the respondent/police.

4. Based on the complaint, the respondent/police registered a case in Crime No.172/20225 and the investigation is under progress.

5. Heard Sri Vidyasagar H.V., learned counsel for the petitioner and Sri Rangaswamy R., learned High Court Government Pleader for the respondent – State.

6. The submission of the learned counsel for the petitioner is that the petitioner had filed a suit in OS No.92/2025 for restitution of conjugal rights. After receiving the said notice, as a counter blast, the present complaint is filed. The allegations are baseless, bald and omnibus in nature. Therefore, the petitioner may be enlarged on bail as prayed for. Making such submission, he prays for allow the petition.

7. Per contra, the learned High Court Government Pleader for respondent/State vehemently submitted the averments of the complaint would indicate that the complainant had been subjected to cruelty at the hands of petitioner and in-laws. Two complaints have been lodged against the petitioner and others in respect of the same issue. Those two complaints were brought to an end through the intervention of well-wishers and elders in order to maintain quietus between the family members of the petitioner. However, again the complainant had been subjected to cruelty in connection with

the demand of dowry of Rs.20,00,000/- and also demanding her salary etc. Therefore, a complaint came to be registered against the petitioner, and the materials on record prima facie would disclose that the ingredients of the alleged offences are made out against the petitioner. Hence, it is not appropriate to grant anticipatory bail at this stage. Making such submission, he prayed to reject the petition.

8. Heard the learned counsel for respective parties and perused the averments of the complaint. It appears that there was a strained relationship between the petitioner and the complainant. They were not residing together for the considerable length of time. The petitioner had filed a suit for restriction of conjugal rights. Thereafter, the complainant lodged a complaint against the petitioner and others alleging that she had been subjected to cruelty and harassment at the hands of the petitioner and others.

9. Having considered the filing of the suit by the petitioner for restitution of conjugal rights, it is appropriate to grant him bail by imposing suitable conditions. The conditions

would take care of the apprehension of the prosecution. Hence, I proceed to pass the following.

ORDER

i) The petition is allowed.

ii) The petitioner is ordered to be enlarged on bail in the event of his arrest in CC No.279/2026 (Crime No.172/2025) of Davanagere Women Police Station for the offences punishable under Sections 3, 4 and 6 of Dowry Prohibition Act, 1961 and Sections 115(2), 318(2), 318(4), 319(2), 190, 352, 85, 54 of Bharatiya Nyaya Sanhita, 2023 pending on the file of the II Additional Civil Judge (Sr.Dn.) and JMFC Court, Davanagere, on executing personal bond in a sum of Rs.1,00,000/- with one surety for the likesum to the satisfaction of the Trial Court.

(iii) The petitioner shall appear before the jurisdictional police within a period of one month from today to execute personal bond and also to furnish surety.

(iv) The petitioner shall co-operate with investigation till filing of the charge sheet.

(v) The petitioner shall not threaten or tamper the prosecution witnesses nor hamper the proceedings of the Court.

(vi) The petitioner shall appear before the Trial Court on all hearing dates without fail.

(vii) The petitioner shall not commit any criminal cases till disposal of the case.

In case, the petitioner violates any of the bail conditions as stated above, liberty is reserved to the prosecution to file necessary application for cancellation of bail.

Sd/-
(S RACHAIAH)
JUDGE

BKM

List No.: 1 Sl No.: 51