HC-KAR

NC: 2026:KHC:61371
CRL.P No. 16014 of 2026

CNR: KAHC010716012026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 16014 OF 2026

BETWEEN:

MOHAMMED FATHAK @ FATHAK
S/O ABDULLAH
AGED ABOUT 32 YEARS
R/AT D NO.3-183/1
KALANDAR MANZIL
CHEMBUGUDDE PERMANNUR
MANGALURU, D.K - 575 017.

...PETITIONER

(BY SRI TALHA ISMAIL BENGRE, ADV.)

AND:

STATE OF KARNATAKA
BY MANGALORE WOMEN P.S
REPRESENTED BY SPP
HIGH COURT BUILDING
BENGALURU - 560 001.

...RESPONDENT

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

(BY SRI RAHUL RAI K, HCGP)

THIS CRL.P IS FILED U/S 438 CR.PC (FILED U/S 482 BNSS) PRAYING TO GRANT ANTICIPATORY BAIL TO THE PETITIONER HEREIN ACCUSED NO.1 IN THE CASE FIR BEARING CRIME NO.34/2026 FOR THE OFFENCES PUNISHABLE UNDER SECTION 85, 115(2) AND 352 OF BNS REGISTERED BY MANGALORE WOMEN PS, WHICH IS PENDING ON THE FILE OF 3RD JMFC MANGALORE.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Accused who is apprehending arrest in Crime No.34/2026 registered by Mangalore Women Police Station, Mangaluru City, for the offences punishable under Sections 85, 115(2), 352 of BNS, 2023, is before this Court in this petition filed under Section 482 of BNSS, 2023, seeking anticipatory bail.

2. Heard the learned Counsel for the parties.

3. FIR in Crime No.34/2026 was registered by Mangalore Women Police Station, Mangaluru City, for the aforesaid offences against the petitioner herein based on the FIR dated 18.08.2026 received from his wife Smt. Thabsila. Apprehending arrest in the said case, petitioner had filed Crl. Misc. No.723/2026 before the jurisdictional Sessions Court, which was rejected on 28.09.2026. Therefore, he is before this Court.

4. A reading of the first information would reveal that the marriage of the petitioner with the first informant was performed on 23.11.2025. It is alleged that after marriage, petitioner was in the habit of abusing and ill-treating his wife. It

is alleged that on 18.08.2026, when the first informant was in her parents house, petitioner who came there allegedly abused her demanding her gold jewellery and also assaulted her with his hands.

5. The alleged offences are triable by the Court of Magistrate and maximum punishment for the same is imprisonment for a period of three years. Under the circumstances, I am of the opinion that petitioner's prayer for grant of anticipatory bail is required to be answered affirmatively. Accordingly, the following order:

6. The petition is allowed. The respondent - Police or any other police in the State of Karnataka are directed to release the petitioner in the event of his arrest in Crime No.34/2026 registered by Mangalore Women Police Station, Mangaluru City, for the offences punishable under Sections 85, 115(2), 352 of BNS, 2023, subject to the following conditions:

> 1. The Petitioner shall appear before the Investigating Officer within 15 days from the date of receipt of the copy of this order and shall execute a personal bond for a sum of Rs.1,00,000/-

with two sureties for the likesum to the satisfaction of the investigating officer.

2. Petitioner shall regularly appear before the Trial Court without fail unless exempted by the Trial Court for valid reasons.

3. Petitioner shall not tamper with the prosecution witness and he shall co-operate with the police for investigation and appear before them whenever called upon.

4. The petitioner shall not involve in similar offences in future.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

KK