



HC-KAR

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NC: 2026:KHC:11283
CRL.P No. 2898 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 2898 OF 2026

(482(Cr.PC) / 528(BNSS))

BETWEEN:

1. MURALI B.N.
S/O LATE NARAYANAPPA.B,
AGED ABOUT 29 YEARS,
R/AT NO.202,
BELAMARANAHALLI VILLAGE/POST,
VEMAGAL HOBLI,
KOLAR TALUK AND DISTRICT - 563 133.
(AS PER REMAND APPLICATION)

MURALI B.N.
S/O LATE NARAYANAPPA.B,
AGED ABOUT 33 YEARS,
R/AT BELAMARANAHALLI,
KOLAR TALUK,
KARNATAKA - 563 133.
(AS PER AADHAR)

2. CHARAN,
S/O NARAYANASWAMY,
AGED ABOUT 22 YEARS,
R/AT NO.32,
BELAMARANAHALLI VILLAGE/POST,
VEMAGAL HOBLI,
KOLAR TALUK AND DISTRICT - 563 133.
(AS PER REMAND APPLICATION)





CHARAN.N,
S/O NARAYANASWAMY,
AGED ABOUT 24 YEARS,
R/AT VISHWANATHAPURA,
GUTTAHALLI,
BETAMARANAHALLI,
BANGARAPET,
KOLAR DISTRICT - 563 133.
(AS PER AADHAR).

...PETITIONERS

(BY SRI. HEMANTHA B., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY RAJAJINAGARA P.S,
REP. BY STATE PUBLIC PROSECUTOR,
HIGH COURT COMPLEX,
BENGALURU - 560 001.

2. SMT. JYOTI,
W/O. CHANDRASHEKAR,
AGED ABOUT 38 YEARS,
R/AT NO.6/Y,
16TH MAIN ROAD,
3RD BLOCK,
RAJAJINAGARA,
BENGALURU - 560 010.

...RESPONDENTS

(BY SRI. B.N. JAGADEESHA, ADDL. SPP FOR R1)

THIS CRL.P. IS FILED U/S.482(FILED U/S.528 BNSS) OF
CR.P.C PRAYING TO SET ASIDE THE ORDER DATED 16.02.2026
IN CRIME NO.25/2026 OF THE RESPONDENT NO.1



RAJAJINAGARA POLICE STATION, FOR THE ALLEGED OFFENCE P/US/ 115(2), 137(2), 351(2), 3(5), 329(4) OF BNSS, PASSED BY THE HONBLE 32nd ACJM, BENGALURU.

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

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

The petitioners are before this Court calling in question an order dated 16.02.2026 passed in Crime No.25/2026 registered for offences punishable under Sections 115(2), 137(2), 351(2), 3(5) and 329(4) of the BNS.

2. Heard Sri. Hemantha B., learned counsel appearing for the petitioners, Sri. B.N. Jagadeesha, learned Addl. SPP appearing for respondent No.1 and have perused the material on record.

3. Petitioner No.1 is the son-in-law and respondent No.2 is the complainant. The complainant alleges that her daughter who is the wife of petitioner No.1 has been kidnapped by him and therefore, the crime is registered for the aforesaid offences.



4. Learned counsel appearing for the petitioners submits that the daughter of the complainant and petitioner No.1 are married and on her own volition, has walked into the house of petitioner No.1. *Prima-facie*, looks like a classic illustration of the abuse of process of the law.

5. What is alleged in the case at hand is the offence punishable under Section 363 of the IPC. It is an admitted fact that the daughter of the complainant is beyond 18 years and has married accused No.1. In that light, the offence of Section 363 of the IPC is wrongly laid against the petitioners. If the said offence is wrongly laid, bail ought to have been granted in the aforesaid offence and not remand the petitioners to judicial custody.

6. In that light, the petitioners are entitled the benefit being set at liberty in the teeth of the aforesaid offences which were allailable. Since the offences wereailable, there could not have been order of remand to judicial custody of the petitioners.



7. In the light of offences being bailable, a remand to judicial custody could not have passed by the concerned Court. Therefore, there is an error apparent.

8. In the light of the petitioners being taken into custody for such an offence, the inevitable conclusion would be them being set at liberty.

9. For the aforesaid reasons, the following:

ORDER

- (i) The petition is allowed.
- (ii) The order dated 16.02.2026 passed in Crime No.25/2026 by the 32nd ACJM, Bengaluru, is hereby set aside.
- (iii) The petitioners shall be set at liberty in accordance with law.
- (iv) Registry is directed to communicate the said order to the jail authorities to release the petitioners from prison, in accordance with law.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

SJK
List No.: 1 Sl No.: 56