HC-KAR

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 17TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO.101154 OF 2026

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

BETWEEN:

SMT. LATHA W/O. LATE MALLIKARJUNAYYA HIREMATH,
AGED ABOUT 53 YEARS, OCC. ASHA WORKER,
R/O. HADRIHALLI, HIREKERUR TALUK,
HAVERI DISTRICT, KARNATAKA-581111.

...PETITIONER

(BY SRI. S. BALAN, ADVOCATE)

AND:

THE STATE OF KARNATAKA,
BY HIREKERUR POLICE STATION,
REP. BY SPP HIGH COURT BUILDING,
DHARWAD-580011.

...RESPONDENT

(BY SRI. DAYANAND SANGARESHI, HCGP)

CHANDRASHEKAR LAXMAN KARTIMANI
Digitally signed by CHANDRASHEKAR LAXMAN KARTIMANI
Location: High Court of Karnataka Dharwad Bench
Date: 2026.06.18 16:58:03 +0530

THIS CRIMINAL PETITION IS FILED UNDER SECTION 438 OF CR.P.C. (UNDER SECTION 482 OF BNSS, 2023) PRAYING TO DIRECT THE RESPONDENT HIREKERUR POLICE STATION RELEASED HER ON BAIL IN THE EVENT OF HIS ARREST IN CRIME NO.57/2026 FOR THE OFFENCES P/U/SEC. 115(2), 85, 80, 352, 3(5) OF BNS, 2023 (BNS) AND FOR THE OFFENCES P/U/SEC. 3, 4 OF DOWRY PROHIBITION ACT, 1961 ON THE FILE OF PENDING BEFORE THE SENIOR CIVIL JUDGE AND JMFC COURT, HIREKERUR, HAVERI DIST.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

1. Heard the learned counsel for the petitioner and the learned High Court Government Pleader for the respondent – State.

2. This petition is filed seeking anticipatory bail in connection with Crime No.57/2026 registered before Hirekerur Police Station, Haveri.

3. The offences alleged are under Sections 115(2), 85, 80, 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'the BNS 2023') and Sections 3 and 4 of the Dowry Prohibition Act, 1961 (for short, 'the DP Act').

4. The allegation in the complaint is that, the complainant's daughter was married to Pradeep Swami, the accused No.1 and it is stated that it was a love marriage. It is further stated that the family members of the complainant's son-in-law were repeatedly harassing the complainant's daughter and the complainant's son-in-law was addicted to alcohol and the daughter was abused and assaulted on many occasions.

5. It is also stated that on 10.04.2026, the complainant's wife made a phone call to the complainant and told about the phone call made by their daughter stating that her son-in-law has assaulted their daughter and has taken his son on a bike. It is also stated that, the mother-in-law i.e. the petitioner/accused No. 2 has also supported her son and the complainant’s daughter was crying. The wife of the complainant allegedly consoled the daughter and also asked her if the complaint can be filed before the police. It is stated that the daughter assured that she would call after 10 minutes.

6. It is further stated in the complaint that the daughter did not make a phone call and later it was found that when the complainant's son went to the house of the complainant's daughter, the daughter was found hanging in her residence.

7. The complainant has alleged that the torture, dowry harassment and physical assault by the family members of the petitioner are the cause for the death of the petitioner's daughter.

8. Learned counsel for the petitioner would urge that, the petitioner is a lady and the marriage has taken place in

2021 and it is a love marriage. The main allegation is against the husband and not against the mother-in-law and it is also urged that the petitioner has no criminal antecedents and the petitioner is ready to abide by the terms and conditions in the event of grant on bail. It is also urged that, the petitioner would co-operate for investigation. Learned counsel also urged that in a case of this nature the question of interrogation is not required.

9. Learned HCGP would oppose the petition on the premise that the death is on account of the ill-treatment by the petitioner and her son and the remaining family members. The complainant's daughter was subjected to harassment and torture and unable to bear with the same, she committed suicide and the petitioner is responsible for the act along with her son and other family members.

10. It is also urged that the custodial interrogation is very much required in this case and would urge to dismiss the petition.

11. The Court has considered the contentions raised and perused the records.

12. On going through the contents of the complaint, it is noticed that serious allegation is made against the son-in-law of the complainant on the ground that he was drunkard and he was addicted to alcohol and under the influence of alcohol, he used to torture and harass his wife. It is also noted that the petitioner is a lady and respondent-State has not pointed out any criminal antecedents against the petitioner. There are no materials to believe that the petitioner will not cooperate for investigation in the event of grant on bail. The apprehension of the State that the petitioner may not cooperate for investigation or the trial, can be taken care of by imposing suitable conditions.

13. Taking into consideration the overall circumstances and also the fact that the maximum punishment that can be imposed is 7 years for the alleged offence and more particularly the fact that the petitioner is an aged lady, the Court deems it appropriate to grant bail, subject to the conditions. Hence, the following:

ORDER

Petition is ***allowed***, subject to following conditions:

a. Petitioner shall appear before the jurisdictional police within 15 days from today and shall be released on bail in connection with Crime No.57/2026 registered before Hirekerur Police Station, Haveri.

b. Petitioner shall furnish bail bond for a sum of Rs.2,00,000/- with two sureties for the likesum.

c. Petitioner shall co-operate with the investigation or inquiry.

d. Petitioner shall not threaten, induce, or promise anyone acquainted with the facts, nor tamper with evidence or witnesses.

e. Petitioner shall furnish current address, active mobile number, to the jurisdictional police and intimate any changes within 48 hours.

f. Petitioner shall mark her presence before the police as and when her presence is required.

g. Petitioner shall not leave the jurisdiction of the police station without prior information and intimation to the jurisdictional police.

h. Petitioner shall not commit any offences.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

KGK
CT: UMD
List No.: 1 Sl No.: 16