

KAVP010031542026



Presented on : 01-06-2026

Registered on : 02-06-2026

Decided on : 15.06.2026

**IN THE COURT OF THE IV ADDITIONAL DISTRICT
AND SESSIONS JUDGE, VIJAYAPURA.**

Dated: This the 15th day of June-2026.

Present:

SRI Gangappa Irappa Patil

B.A., LL.B. (Spl.)

IV Addl. District & Sessions Judge,
Vijayapura.

Crl.Misc.No.603/2026

Petitioner/Accused:

- 1] Sri Shivappa s/o Yamanappa Bommanagi,
Age: 31 years, Occ: Agriculture,
R/o: Hangaragi, Tq:B.Bagewadi,
Dist: Vijayapur.

[R/by Sri G.S.Kadasidda, Advocate]

V/s.

Respondent:

1. The State
R/By Public prosecutor and
PSI, Basavan Bagewadi P.S.
2. Kantappa s/o Mudakappa Gundalli,
Age: 45 Yrs., Occ: Agriculture,

R/o.Basavanahatti, Tq: B.Bagewadi,
Dist: Vijayapur.

[R-1 R/by the Public Prosecutor]
[R-2 - Absent]

ORDER ON BAIL PETITION
FILED U/S. 483 OF BNSS BY THE PETITIONER

The petitioner/accused has filed the bail application U/s.483 of BNSS for grant of regular bail in Basavan Bagewadi Police Station Crime No.153/2026 for the offence punishable 109 of Bharatiya Nyaya Sanhita (BNS) 2023.

2. The factual matrix of the case of the prosecution is that, complainant viz., Kantappa Mudakappa Gundalli is resident of Basavanahatti, Tq: B.Bagewadi along with his family. He was given her daughter Savita in marriage to petitioner about 10 years back. The petitioner was harassing his daughter for no reasons. It is further alleged that On 03.05.2026 at about 12.00 p.m the brother of petitioner by name Umesh has made phone call to complainant and told that the petitioner has assaulted his daughter Savita and she

sustained injury over head and they are shifting his daughter Savita to Sanjeevini hospital at Vijayapur. Then the complainant went to hospital and heard about the incident that at about 8.00 p.m the petitioner pushed his daughter Savita, due to which she fell down and sustained injuries on back of head. Therefore the complainant lodged complaint to the Basavana Bagewadi Police Station in crime No.153/2026 and the Investigating Officer started investigation.

3. The petitioners/accused was arrested on 16.5.2026. Since then he is in J.C. Now petitioners/accused has filed this Bail Application U/s.483 of BNSS for his release on regular bail on several grounds.

4. In response to the notice, the learned Public Prosecutor appeared for the respondent No.1 and filed objection and prayed for rejection of bail petition. In spite of service of notice respondent No.2 did not appear before the court and not filed objection.

5. Heard arguments on both sides and perused the materials on record.

6. Now the points that arisen for consideration are as under:

- 1) Whether the petitioner/accused is entitled for Regular Bail as sought in the petition?
- 2) What order?

7. Findings on the above points for consideration are as under:

- 1) In the ***Affirmative***.
- 2) As per the final order, for the following:

REASONS

8. **Point No.1:** In fact on the basis of complaint lodged by the complainant, a case was registered in Basavan Bagewadi Police Station Crime No.153/2026 for the offence punishable 109 of Bharatiya Nyaya Sanhita (BNS) 2023.

9. During argument, the learned Counsel appearing for the petitioner contended that the petitioner

is innocent and he has not at all committed any offence. The complainant has filed a false complaint by falsely involving the petitioner. Accused is not required for custodial interrogation. The learned counsel for the petitioner submitted that there is no nexus between the petitioner and the alleged offences. The petitioner is ready and willing to abide by any condition to be imposed by the court. Hence, prayed to allow the petition.

10. Per contra, the learned Public Prosecutor vehemently submitted that, the alleged offence is non bailable in nature and if the petitioner is released on bail, there is every likelihood of hampering and tampering the prosecution witnesses and cause obstruction in the investigation. If released on bail, he may not co-operate with the investigation. The investigation is in process. If the petitioner is released on bail he may repeat the similar offence. Hence, the learned public prosecutor prays to reject the bail application.

11. It is trite principles of law that while considering bail application, the following points to be taken into consideration:

- a) The nature and seriousness of the offence.
- b) Character of the accused.
- c) Circumstances which are peculiar to accused.
- d) Reasonable probabilities or presence of the accused not being secured at trial
- e) Reasonable apprehension of witnesses being tampered.
- f) Larger interest of Public or the State and similar other considerations, which arise when a Court is asked to admit the accused to bail in a non-bailable offence.

12. Having heard the learned counsel for the petitioner and learned public prosecutor, looking to the entire material on record, it appears that the offence alleged against the petitioner is non bailable in nature but not punishable with death or imprisonment for life. The injured is already discharged from the hospital and she is out of danger. The petitioner is ready to abide by any conditions to be imposed by the court. The prosecution has not brought out any criminal antecedents against the petitioner/accused. It is not the case of the

prosecution that petitioner is required for custodial interrogation. Whether the petitioner has committed offence or not has to be established only during trial. Moreover the petitioner is in judicial custody since 16-5-2026. So, this court is of the view that it would meet the ends of justice if the petitioner is released on bail on imposing stringent conditions. As the trial is yet to commence, the allegations made against the petitioner is yet to be established.

13. Further more, the offences alleged against the petitioner is not punishable with death punishment. Even accepting the prosecution version at this stage, it is still subject matter of trial as to whether the prosecution can prove that the accused person has committed the offence as alleged in the FIR. The Hon'ble High Court of Karnataka in **Gaddeppa Vs. State of Karnataka (2016) 3 AIR Kant R 572 (Criminal Appeal No.3767/2010)** Decided on April 4, 2016 (Kalaburgi Bench) held that bail cannot be refused as a substitute for punishment.

14. Further the accused is ready and willing to abide by any of the conditions that may be imposed by

this court and he is ready to offer surety to the satisfaction of the court. He undertake that he will not abscond and ready to appear on all dates of hearing till completion of the trial. In view of the above discussion, this court is of the opinion that it is a fit case to grant regular bail to the petitioner/accused by imposing stringent conditions. Accordingly point No.1 is answered in the **Affirmative**.

15. **Point No.2:** In view of the aforesaid reasons on Point No.1, this court proceeds to pass the following:

ORDER

The Bail Application filed by the petitioner/Accused U/Sec. 483 of BNSS is hereby allowed in Crime No.153/2026 on the file of Basavana Bagewadi Police Station for the offence punishable U/sec.109 of BNS with following conditions:-

a] The petitioner shall execute personal bond for Rs.50,000/- with one surety for like sum to the satisfaction of the court.

b] The petitioner shall not tamper the witnesses of the prosecution.

c] The petitioner shall not involve in any other crime.

d] The petitioner shall appear before the I.O as and when required.

e] The petitioner/accused shall mark his attendance before the concerned Police Station on every fortnightly Sunday in between 10:00 a.m., to 6:00 p.m., to till filing of the final report or for Six months whichever is earlier.

f) The petitioner shall furnish the address proof, E mail ID and phone number.

In case of violation of any one of the above mentioned conditions, the prosecution is at liberty to move application for cancellation of bail.

(Directly dictated to the Stenographer, typed by him on the Computer, corrected and then order pronounced by me in the Open Court on this the 15th day of June, 2026).

(Gangappa Irappa Patil)
IV Additional Sessions Judge,
Vijayapura.