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under Section 483 of BNSS for an order of regular bail.

2) On the strength of complaint the Yadgir Rural police have registered the case in Crime No.35/2026 for the offences punishable under Sections 189(2), 191(2), 191(3), 115(2), 118(1), 118(2), 74, 352, 126(2), 351(2) R/w 190 of BNS.

3) In the bail petition it is contended that he is innocent of the alleged offences and has not committed any offences. He is agriculturist by profession. There is a land dispute between two family. Alleged offences are triable by the JMFC. The offences are not punishable with death or imprisonment for life. From the date of arrest petitioner is in J.C. Petitioner is ready to furnish the surety to release him on bail. On these grounds, the petitioner prays to allow the bail petition.

4) The learned Public Prosecutor filed the objection contending that present bail petition is not maintainable, same is liable to be dismissed. The case in under



investigation. If the petitioner is released on bail he may threaten the prosecution witnesses and he may destroy the prosecution evidence or he may commit the similar kind of offences and the possibility of petitioner fleeing away from justice cannot be ruled out. The alleged offences U/secs.118(1), 118(2), 74 are non bailable in nature other offences are bailable in nature. Inter alia, on these grounds, prays to dismiss the bail petition.

- 5) Heard both sides. Perused the record.
- 6) Following points arise for consideration of this Court:
 1. Whether the petitioner/accused No.1 is made out grounds to enlarge him on regular bail under Section 483 of BNSS.?
 2. What Order?
- 7) My findings on the above Points are as follows:
 - Point No.1:- In the Affirmative.
 - Point No.2:- As per final order,
for the following:



REASONS

8) **Point No.1:-** The counsel for the petitioner argued that petitioner has not at all committed any offences as alleged by the prosecution. He has been falsely implicated in the case and there is a land dispute in between the complainant and accused persons. Therefore, he prays to allow the bail petition filed by the petitioner.

9) The learned Public Prosecutor argued that the case is under investigation. If the petitioner is enlarged on bail, then there is chances of he may tamper and hamper the prosecution case. The alleged offences U/secs.118(1), 118(2), 74 are non bailable in nature other offences are bailable in nature and triable by the court of JMFC along with other grounds he prays to dismiss the bail petition.

10) On perusal of the records, one Sharanappa has lodged the complaint stating that he and his family is

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having landed property at Ramasamudra village and petitioners are their brothers. They are also having landed property at Ramasamudra. Both lands are adjacent to each other. There is a bund dispute between the petitioners and complainant for that there is an enmity in between the complainant and petitioners. On 23.2.2026 at about 9.40 a.m., complainant and his father were went to his lands. After getting the groundnut bags in the tractor they are returning from their land towards their house near by the house of complainant petitioners came in their motorcycle in-front of the said tractor and stopped the said tractor and started quarrel with the complainant. In turn complainant asked the petitioners why you are abusing both are brothers in-spite of it, petitioners abused in filthy language. Then the petitioner assaulted with stick on the back and stomach. Meanwhile, father of the complainant came to pacify the quarrel then one Hanamanth, Mallikarjun,

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Akkamahadevi, Chandappa, Sharanappa, Gangamma

with an intention to commit the offence having unlawful assembled and abused in filthy language. Then Hanamanth came on motorcycle and hit to father of the complainant due to the said act father of the complainant fell down on the ground. Then the petitioner along with his brothers have assaulted with hand and kicked. Complainant and his father making hue and cry then the mother of the complainant came to pacify the quarrel. Then Akkamahadevi and Gangamma abused in filthy language. They have assaulted on stomach, back and chest of mother of the complainant. After making hue and cry persons came and pacify the quarrel. Thereafter, lodged the complaint. Based on the complaint respondent police have registered the case in Crime No.35/2026 for the aforesaid offences.

11) Counsel for the petitioner has stated mother of the petitioner Smt.Akkamma has lodged the complaint

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against the mother of the complainant wherein Crime No.36/2026 against in all 11 persons for the counter blast aforesaid complaint lodged by the complainant. Petitioner has not at all committed any offence. Therefore, he prays allow the bail petition. On going through the records, complainant and petitioner are brothers having property dispute between them regarding bund in between both the lands. It seems that there is a civil dispute for that they have given colour and lodged the complaint for the aforesaid offences. Apart from Secs.118(1), 118(2), 74 are non bailable in nature other offences are bailable in nature. All the offences are triable by the court of Magistrate and not punishable with death or imprisonment for life. Counsel for the petitioner has stated from the date of arrest petitioner is in J.C. His family members are depending upon him. Therefore, he prays to allow the bail petition. No person can keep jail until unless full pledged trial. If the persons kept in J.C. it amounts to pre trial conviction. Bail is a rule jail is an



exception. Considering the dictum as well as nature of the offence and reasons stated in the bail petition reveals that there is a property dispute between the complainant and the petitioner. It is further stated mother of the petitioner has lodged the complaint against the complainant in Crime No.36/2026 against the 11 persons. These are all clearly reveals that case and counter case lodged by the complainant and mother of the petitioner. Apart from this case, no other case has been filed against the present petitioner. Further, parents of the petitioner are depending upon the petitioner. Considering the aforesaid facts as well as nature of the offence I am of the view that petitioner is entitled for bail. Hence, I answer Point No.1 in the **Affirmative**.

12) **Point No.2:** In view of my findings on Point No.1, I proceed to pass the following:

ORDER

The bail petition filed by the petitioner/ accused No.1 U/s 483 of BNSS, is hereby



allowed.

The respondent police are hereby directed to enlarge the petitioner on bail in Crime No.35/2026 of respondent Police Station for the aforesaid offences on execution of his personal bond for Rs.1,00,000/- with one surety for the like sum on the following conditions:

1. That the petitioner shall appear before the Court on all hearing dates without fail except on unavoidable circumstances.
2. That the petitioner shall not leave the jurisdiction of this Court without prior permission of the concerned Court.
3. That the petitioner shall join investigation and co-operate with I.O for investigation.
4. In case, if the petitioner violates any of the above mentioned conditions,

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the prosecution is at liberty to move the
application in such cases for cancellation
of bail.

(Dictated to the Stenographer Grade-II directly on computer typed by him, corrected, signed and then pronounced by me in Open Court on this the 13th day of March, 2026).

(A. EARANNA)

I Addl. Dist. & Sessions Judge,
Yadgir.