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Presented on : 07-03-2026

Registered on : 09-03-2026

Decided on : 13-03-2026

Duration : 6 days

**IN THE COURT OF THE I ADDITIONAL DISTRICT &
SESSIONS JUDGE, YADGIR**

Dated: This the 13th day of March, 2026

Present:

Sri. A. EARANNA, M.Com., L.L.M.,
I Addl. Dist. & Sessions Judge, Yadgir

Crl.Misc.No.100/2026

Petitioner:

Babu S/o Laxmappa Nireti, Age: 38 years, Occ:
Agri, R/o Keshwar village, Tq: Gurumitkal,
Dist.Yadgiri.

(By Sri.P.S.Mali Patil, Advocate)

Vs.

Respondent:

The State through Gurumitkal Police Station,
Tq,Gurumitkal, Dist.Yadgiri.

(By Public Prosecutor)

O R D E R

The petition is filed by the petitioner under Section 483



of BNSS for an order of regular bail.

2) On the strength of complaint the Gurumitkal police have registered the case in Crime No.41/2026 for the offences punishable under Sections 329 (3), 74, 75, 76, 115(2), 118(1), 352, 351(5) of BNS.

3) In the bail petition it is contended that he is innocent of the alleged offences and he has not committed any offences. He has been falsely implicated. He is agriculturist by profession. The offences do not attract the ingredients of the complaint. He is in J.C. If he is not enlarged on bail, his family will be put to hardship. He is the permanent resident of address shown in the petition. The offences are not punishable with death or imprisonment for life. 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,



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same is liable to be dismissed. Petitioner has outraged the modesty of complainant. The case is 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. Case is under investigation. The offences U/secs.75, 76 are non bailable in nature, other offences are bailable in nature. Secs.75 & 76 of BNS are exclusively triable by the court of Sessions. Inter alia, on these grounds, pray 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 has 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.



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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 is falsely implicated in the case and wife of the petitioner has lodged the complaint against husband of complainant in Crime No.43/2026 and 82/2023 for that complainant has lodged the complaint. Alleged offences are not attracted to the present petitioner. 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.75, 76 are non bailable in nature other offences are bailable in nature. Secs.75, 76 of BNS are



exclusively triable by the court of Sessions along with other grounds he prays to dismiss the bail petition.

10) On perusal of the records, complainant petitioner are known to each other and of same village i.e., Keshwar village of Gurumitkal Taluka. Complainant had got 3 children and 3 children were going to the school i.e., Putpak and Chandraki and her husband doing agriculture work. Petitioner is her distant relative. Husband of the complainant is doing agriculture work. Petitioner with a bad intention he wanted to evil eye on the complainant and tried to hold the hand of the complainant and he expressed his intention to consume her and he asked the complainant came and sleep with him he will talk her for that complainant told she had got married her husband went to the land. On 2.3.2026 at about 8.30 a.m., children of the complainant went to attend the school, husband of the complainant went to the land for agriculture work. Petitioner trespassed into the house of the complainant and he asked sleep with



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him and tried to pull the saree and blouse and tried to make her undress at that time she make hue and cry. After hearing the sound her brother in law Manikappa came into the said house then the petitioner left the complainant and went away from the said place. She narrated the incident to the said Manikappa. Her husband after returning from the land she lodged the complaint. Based on the complaint respondent police have registered the case in Crime No.41/2026 for the aforesaid offences.

11) Counsel for the petitioner submitted that at no point of time petitioner has committed alleged offence. He was falsely implicated in the case. Wife of the petitioner lodged the complaint against the husband of the complainant in this case in Crime No.43/2026 and 82/2023 for that complainant has filed the aforesaid complaint as a counter blast to the aforesaid complaint. Therefore, he prays to allow the bail petition. Complainant and petitioner are distant relatives are known to each



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other. Petitioner has tried to outrage the modesty of complainant and trespassed into the house of the complainant and tried to undress the complainant for that complainant has lodged the complaint. Prosecution has not produced any other document to come to conclusion. Apart from this case, other cases are registered against the petitioner. On perusal of the copy of FIR in Crime No.82/2023 and 43/2026 of Gurumitkal P.S. where the wife of the petitioner has lodged the complaint against the husband of the complainant for the offences P/U/secs.354(A), 354(B), 354, 447, 323, 504, 506 of IPC and secs.329(3), 74, 115(2), 351(3), 352 R/w 3(5) of BNS. On going through the aforesaid documents it reveals that before filing the complaint in this case wife of the petitioner had lodged the complaint against the husband of the complainant and against the other persons. Alleged offences U/secs.75, 76 are exclusively triable by the court of Sessions but not punishable withy death or imprisonment for life. From the date of arrest petitioner is



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in J.C. No person can keep J.C. until unless full pledged trial. If the petitioner keep some more day in JC it amounts to pre trial conviction. Even though IO has not sought for custodial interrogation of the petitioner. Further, petitioner is having wife and small children. If the petitioner keep some more days in J.C. his entitle family become untold hardship and great loss. Considering the entire facts of the case as well as submission made by both the counsel I am of the view that the 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 U/sec.483 of BNSS, is hereby allowed.

The respondent police are hereby directed to enlarge the petitioner on bail in Crime No.41/2026 of respondent Police



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Station for the aforesaid offences on execution of their personal bonds 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, the prosecution is at liberty to move the application in such cases for cancellation of bail.

(Dictated to the Stenographer Grade-III 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.