



1

Presented on : 16-06-2026

Registered on : 16-06-2026

Decided on : 19-06-2026

Duration : 3 days

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

Dated: This the 19th day of June, 2026

:Present:

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

Crl.Misc.No.316/2026

Petitioners/Accused No.1 & 10:

1. Santosh S/o Bhojya Chavan, Age:28 Years,
Occ:Agri,
2. Dhansingh S/o Namya Chavan, Age:59
Years, Occ:Agri, All are r/o Ashanal Tanda,
Tq. & Dist. Yadgiri.

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

Vs.

Respondent:

The State through Yadgir Rural Police Station,
Tq. & Dist.Yadgiri.

(By Public Prosecutor)

**ORDER**

The petition is filed by the petitioners/accused No.1 & 10 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.122/2026 for the offences punishable under Sections 189(2), 191(2), 191(3), 115(2), 118(1), 118(2), 109, 352, 351(2) R/w 190 of BNS.

3) In the bail petition it is contended that they are innocents of the alleged offences and have not committed any offences. The accused/petitioners are nothing to do with the alleged offences the complainant has filed a false complaint against the petitioners on say of the ill wishers of the petitioners and taking revenge regarding family dispute against the accused/petitioners. Since the date of arrest they were in J.C. Injured was discharged from the hospital. The respondent police



3

have falsely implicated the petitioners in the case on hand, on the basis of false complaint filed by the complainant. The alleged offences are not applicable to the present petitioners. They were permanent resident of address shown in the cause title and having landed properties in the said place. The alleged offences U/sec.109 of BNS would not attract except the offence U/sec.109 of BNS all offences are bailable in nature and triable by Magistrate Court. The alleged offences are not punishable with death or imprisonment for life. Petitioners are ready to furnish surety to release them on bail. On these grounds, the petitioners pray 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. If the petitioners are released on bail they may threaten the prosecution witnesses and they may destroy the prosecution evidence or they may commit the similar kind of offences and the



4

possibility of petitioners fleeing away from justice cannot be ruled out. Case is under investigation. 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 petitioners/accused are made out grounds to enlarge them 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:

R E A S O N S

- 8) **Point No.1:-** The counsel for the petitioners argued that petitioners have not at all committed any offences as alleged by the respondent police. They have falsely implicated in the case. From the date of arrest they are in j.C. Petitioners are ready to



5

cooperate with the IO and ready to obey the order of the court. Therefore, he prays to allow the bail petition filed by the petitioners.

9) The learned Public Prosecutor argued that the case is under investigation. The alleged offence U/sec.109 of BNS is exclusively triable by the court of Sessions. If the petitioners are released on bail, then they may hamper and tamper the prosecution witnesses and commit similar kind of offences cannot be ruled out along with other grounds he prays to reject the bail petition filed by the petitioners.

10) On perusal of the prosecution case, one Roopsingh lodged the complaint on 5.6.2026 stating that he is residing in the Ashnal tanda. He is doing hotel business. His elder brother Hosaram has died about years back and his wife Kashibai residing at Bombay and doing coolie work. His two daughters were residing in the said tanda along with their grand father and they are studying. Then Mahesh were came to know the



6

complainant brother's daughter, complainant and other persons have advised the said Mahesh not to continue the relation as you are brother in the relation. In-spite of it, on the said night he went to the house of Hemla when they are sleeping he trespassed into the house then Hemla came to know and asked the Mahesh why you are coming here and intimated number of times not to talk with the daughter of Hosaram and in this regard they told you will approach the panchayath. Then on 5.6.2026 they told they will make panchayath then on the said day at 1.30 p.m., complainant and his elder brother Kantappa and his wife Sunita were went to the house then all of sudden petitioner No.1 and 10 along with other persons having with deadly weapons like iron rod, axe and club and abused in filthy language and assaulted with iron rod, axe and club due to it sustained injuries. Petitioner outraged the modesty of wife of the complainant. Then they taking the treatment in the hospital. Thereafter, lodged the



complaint. Based on the complaint registered the case in Crime No.122/2026 for the aforesaid offences. At this stage, petitioner No.1 and 10 filed aforesaid bail application stating that from the date of arrest they are in J.C. They are ready to abide by the conditions imposed by the court and cooperate with the IO.

11) As per the prosecution case, on 5.6.2026 registered the case for the offences P/U/Secs.189(2), 191(2), 191(3), 118(1), 118(2), 109, 115(2), 74, 352, 351(2), 353(1) R/w 190 of BNS. Sec.118(2), 109, 74 are non bailable in nature other offences are bailable in nature. Alleged offence U/sec.109 of BNS is exclusively triable by the court of Sessions but not punishable with death or imprisonment for life. Petitioner No.2 is senior citizen. Petitioner No.1 is resident of Ashanal tanda and doing agriculture work. From the date of arrest they are in J.C. Further, IO has not sought for custodial interrogation of the petitioners. Counsel for the petitioners has produced copy of FIR in Crime



No.123/2026 that the counter case has been lodged by the accused No.2. Further, no person can keep in J.C. for some more days until unless full pledged trial. It amounts to pre trial conviction. Both the petitioners are having wife and children depending upon them and having landed properties in their names in the said village. Bail is a rule jail is an exception. Considering the dictum as well as reasons stated in the bail petition and considering the entire facts of the case, I am of the opinion that petitioners are entitled for bail. Accordingly, I answer the above 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:

O R D E R

The bail petition filed by the petitioners/ accused No.1 & 10 U/sec.483 of BNSS, is hereby allowed.

The respondent police are hereby



directed to enlarge the petitioners on bail in Crime No.122/2026 of respondent Police Station for the aforesaid offences on execution of their personal bonds for Rs.50,000/- each with one surety for the like sum on the following conditions:

1. That the petitioners shall appear before the Court on all hearing dates without fail except on unavoidable circumstances.
2. That the petitioners shall not leave the jurisdiction of this Court without prior permission of the concerned Court.
3. That the petitioners shall join investigation and co-operate with I.O for investigation.
4. In case, if the petitioners violates any of the above mentioned conditions, the prosecution is at liberty to move the application in such cases for cancellation



of bail.

Issue intimation to jail authority.

(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 19th **day of June, 2026**).

(A. EARANNA)

I Addl. Dist. & Sessions Judge,
Yadgir.