



Presented on : 02-04-2025
Registered on : 02-04-2025
Decided on : --
Duration :
SC NO.5035/2025

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IN THE COURT OF II nd ADDL.DISTRICT AND SESSIONS

COURT, YADGIR,

SITTING AT SHORAPUR.

:PRESENT:

**Sri. Yamanappa Bammanagi, B.A.LL.B (Spl.)
II nd Addl. District & Sessions Judge, Yadgir,
sitting at Shorapur.**

DATED THIS THE 11th DAY OF AUGUST, 2025.

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Petitioner:1. Yallappa S/o Hanamantraya Pallida,
Age: 27 years,
Occ: Goundi work,
R/o Hunasagi, Tq: Hunasagi,
Dist: Yadgiri.

(By Sri.S.S.K Adv.,)

V/s

Respondent: The State through Kodekal P.S.
Dist: Yadgiri.

(By Sir. Public Prosecutor)

ORDER ON BAIL PETITION FILED U/SEC.483 OF BNSS.

The petitioner/accused No.1 has filed this petition,
under section 483 of BNSS, for regular bail, in



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Crime.No.102/2022 of Hunasagi PS, registered for the offence
P/U/Sec.103(1), 238 R/w 3(5) of BNS Act.

2. Brief facts of prosecution case, are as follows:-

Initially, on 16.08.2024 at 03.00 pm, dead body of deceased Sharu S/o Ahamad Sab Raichur was found in Hunasagi Hirehall (Nalla), flowing from APMC back side, on account of which, UDR was registered. On 09.09.2024 the complainant again lodge the complaint stating that, tiels work of house situated at Hunasagi UKP camp, belongs to one Tohid S/o Mahamad Sab Mulla, was allotted to accused No.1/present petitioner, but the said work was subsequently cancelled and said work was allotted to deceased Sharu, due to which, their was ill-will between accused No.1 and deceased. Such being the fact, on 09.09.2024 at 10.00 am, near Bus stand, the present complainant came to know from one Rajesab S/o Hussain Sab Khureshi that, on 12.08.2024 at 10.30 pm, himself and one Mohamadsha S/o Gulam Hussain Makandar saw accused No.1 and 2 and deceased near Hunasagi bus stand were standing together and verbal



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conversions was going on between them, after some time, further they saw accused No.1 and 2 and deceased Sharu, went on road situated by the side of bus stand at Hunasagi, after one hour, having meals they both came back on the same road situated near Hunasagi bus stand, and saw the accused No.1 and 2 coming from bus stand back side road, and went toward Basaveshwer circle, due to ill-will between accused No.1 and deceased Sharu, the accused No.1 and 2 have committed murder of deceased on 12.08.2024, at night hours, hence they lodge the complaint against accused No.1 and 2, on basis of the said complaint the respondent registered the crime against present petitioner and other and police have arrested and produced before the court and court remanded them to JC, the present petitioner is in JC, Hence he filed this petition on following ;

GROUND

- a. The complainant lodged the false complaint against accused persons, the accused persons have not committed any offence as alleged by the complainant, there**



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is no material before the court to connect the present petitioner with alleged offences.

b. Tho alleged offences are punishable with death or imprisonment for life, the prosecution case is based on circumstantial evidence, under facts and circumstances of the case the petitioner is entitle for bail.

c. On perusal of the complaint, entire charge sheet, there is no material against accused to connect him with alleged offences.

d. Inquest report don't not discloses injury on deceased dead body, information reserved from the persons who as last seen theory, on basis of which the present petitioner was arrest by the respondent.

e. Dead body found was decomposed, so cause of death can not assault, accused No.2 is already on bail as per the order of the Hon'ble High Court.



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f. There is no material collected by IO to connect this accused with alleged offences, accused No.1 is only earning member in his family, there is no person to look after his wife and minor children.

3. Ld. PP has filed objection stating the facts of prosecution case as already extracted supra, further Ld PP would contended in the objection that, the present accused No.1 assaulted with rod on deceased, due to which, the deceased fell down, than accused No.1 and 2 dragged the deceased near Nalla, then they assaulted on head and caused death of deceased, and thrown the dead body of deceased into Nalla. There was ill-will between accused No.1 and deceased in connection with tiels work, on 14.04.2024 they burnt the dead body of deceased and destroyed the evidence and then thrown dead body into Nalla, material object already seized under panchanama, there was sufficient material, and investigation is completed and trial court has passed the committal order, and this court of perused entire charge sheet, the alleged offence punishable with death or



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imprisonment for life, under the facts and circumstance of the case, if accused is released on bail, he will threat the prosecution witness, and tamper the prosecution witness, at this stage, accused is not entitle for bail as the accused as committed murder of deceased brutally and heinous in nature, and with this the Ld PP prayed for rejection of bail petition.

4. Heard on both sides.

5. I have perused the contents of petition, grounds stated in the petition, objection filed by learned PP and also considered the arguments canvassed by the learned counsel for the parties and perused the same. On perusal of the same the points that would arise for determination are as follows;

POINT NO.1: Whether the petition filed under section 483 of BNSS Act, is deserves to be allowed at this stage ?

POINT NO.2: What order ?

6. My findings to the above points are as follows;



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- Point No.1 :** in the Negative.
Point No.2 : As per the final order,
for the following ;

REASONS

7. POINT NO.1: it is well settled law that the court cannot go into the merits and demerits of the case while deciding the bail petition. What court has to looked into in deciding bail petition is that, the nature and seriousness of the case, severity of the offence, chance of condescendence of the accused during trial, tampering of prosecution witnesses and possibility of repetition of same crime and gravity of the accusation and antecedents of the accused.

8. The Ld. counsel for petitioner would contended in the argument that, accused is innocent and he is in judicial custody, and there is no eye witness to the incident, already charge sheet has been submitted, further detention is not required. Hence the petitioner is entitle for bail.

9. On the other hand, Ld PP would contended in the argument that the petitioner/accused No.1 has committed murder of innocent person and petitioner committed such



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murder brutally at the stage, petitioner is not entitle for bail, with this he prayed for rejection of application.

10. On careful scrutiny of facts stated in the complaint, material placed before the court, and on perusal of the entire charge sheet, there is prime-facie case against the petitioner, the accused person has committed murder of deceased with revenge that, tiels work allotted to him was cancelled, and same was allotted to deceased, that apart, there are witnesses who have saw the accused with deceased near the Nalla, and material collected by the IO on sufficient to hold that, there is a prime-facie case which is punishable withy death or imprisonment for life, under the circumstance looking to the nature and gravity of the offence and manner in which the accused No.1 present petitioner committed crime, is heinous in nature, further there is material to show that, even after committing murder of deceased they through the dead body into the Nalla, after one days when dead body was flowing in water the accused person again took the dead body and burnt the dead body to destroy the evidence. Thus,



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at the stage, without touching merits and demerits, I am of the opinion that, if accused is released on bail, will tamper prosecution witness and there is chance of absconding of accused which will cause delay in trial. Hence there is no genvin grounds and it is not fit case to grant regular bail to the accused, off-course it is settled law that, bail is a rule Jail in exception, the present case is falls in exception. Hence the petition is liable to be dismissed. Hence I answer this point in the **Negative**.

11. POINT NO: 2: In view of the finding on Point No.1, I proceed to pass the following;

ORDER

The petition filed U/Sec.483 of Cr.P.C., by the petitioner is hereby dismissed.

(Dictated to the Stenographer-III directly on computer, transcript computerized by her, corrected, initialed and then pronounced by me in the open court, on this the 11th day of August - 2025)

**(Yamanappa Bammanagi)
(II nd Addl. District and Sessions Judge
Yadgir, Sitting at Shorapur)**