



**IN THE COURT OF IInd ADDL.DISTRICT AND
SESSIONS JUDGE, 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 07th DAY OF MARCH, 2026.

CRL.MISC. 5032/2026

Petitioner: Dharma S/o Danakote Jadhava @
Lambani, Age: 28 years, Occ:
Agri, R/o Mavinagidad Tanda, Tq:
Hunasagi, Dist: Yadgiri.

(By Sri.B.H.K. Adv.,)

V/s

Respondent: 1. The State through Kodekal P.S.
Tq: Hunasagi, 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 for
his release on bail in Crime.No.143/2025 of Kodekal PS,

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registered for the offence P/U/Sec.329(4), 115(1), 118(1), 64(2)(m), 352, 351(2) of BNS, against the accused as per FIR and charge sheet has been filed against present petitioner/accused No.1 only for the offence punishable U/sec.329(4), 115(1), 118(1), 64(2)(m), 352, 351(2) of BNS.

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

On 20.10.2025 the complainant/victim, lodged the complaint stating that, she is residing in Mavinagidada Tanda, Tq:Hunasagi, her husband died about 01 year back, she is living with her 03 minor children and doing Coolie work, on 13.10.2025 there was fair of lord Sathyashevalal and Ramanabai in Yarakihal Tanda, on account of which, her elder sister husband Govind took her with her children for celebration of said fair on his motorcycle, while so going, it was about 07.00 pm, near Yarakihal Village, accused came on his motorcycle and followed them, and restrained them and stopped his motorcycle in front of their motorcycle, and took stick



and assaulted on complainant, she was just missed and tried to escape from the hands of accused with her children, at that time accused assaulted on children of complainant with hands, and he assaulted on elder brother of husband of complainant, and accused took the complainant on his motorcycle to the Tora land near road situated within the limits of Baradevanahal village, it was 07.30 pm, the accused committed sexual intercourse on her forcibly in the said land, after committing said act the accused left her in the said land by giving life threat, thereafter she recovered from the incident and came to the road and she was standing on the road, at that time, elder brother of her husband came with sealing and he told about the incident to Kanyakumar and thereafter he took her to Yarakihal village, and she told about the incident to her elder sister and her family members, since incident involved the reputation of family, hence she discussed with her



family members and lodged the complaint against accused, thereafter, police have arrested the accused person and produced before the court and court has remanded the accused persons to JC, hence the Ld counsel for the accused has filed present successive petition on following ;

GROUNDS

A. There is no reasonable grounds to believe that the petitioner committed offences as alleged in the complaint, investigation completed and IO filed charge sheet, hence further JC of accused is not required.

B. Accused not committed offences as alleged in the complaint and he has valid defence to show his innocence, the accused is ready and willing to abide by any condition that may be imposed by this court.

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 petitioner has



committed heinous offence against innocent woman, if accused is released on bail there is every chance of repeating the same crime on the same victim, and there is no genuine grounds, if accused is released on the bail there is every chances of tampering prosecution witness and destroying material object and there is every chance of absconding of accused, and the accused committing same offence, with this the Ld PP prayed for rejection of bail petition.

4. Heard on both sides. Along with petition, the petitioner has produced certified copy of entire charge sheet including statements of victim.

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;



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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;

Point No.1 : in the Affirmative.

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. I have perused and scrutinized the facts stated in the complaint and I have perused entire charge sheet including



statement of victim and medical reports and school records of accused. The investigation has been completed, charge sheet has been submitted. The Ld counsel for the accused/ petitioner would contended in the argument that if really alleged incident took place the victim would have stated about the alleged offences of rape in her statement before the Ld JMFC Court while recording her standing U/sec 183 of BNSS and he brought the notice of court on the statement of victim recorded U/sec 183 of BNSS and contended that victim has not stated about the incident of rape, the only facts reflects in statement of victim recorded U/sec 183 of BNSS that accused forced her to come with him. So after all it is an attempt of commission of rape as per statement of victim recorded U/sec 183 of BNSS. Further he brought the notice of the court on medical report no such incident took place as stated in the complaint, with this Ld counsel for accused contended that when there is no prima-facie case against accused and when investigation completed the accused is entitled for bail. I have gone through the entire charge sheet and material place before this court and on



perusal of the same I am of the opinion that since charge sheet is submitted and recording of statement of victim also completed, and looking to the statement of victim recorded U/sec 183 of BNSS, I am of the opinion that there is no prima-facie case of rape made out, at this stage, without touching the merits and demerits of the case the accused is entitled for regular bail, the apprehension of state is that if accused is released on bail he will give threat to victim and her family members as victim is widow and having small children, can be taken care by imposing reasonable condition with this I answer point No.1 in Affirmative.

9. 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 BNSS., by the petitioner is hereby Allowed.



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Consequentially, the

petitioner/accused is ordered to be released on bail, in Crime.No.143/2025 of Kodekal PS, registered for the offence P/U/Sec.329(4), 115(1), 118(1), 64(2)(m), 352, 351(2) of BNS, on his executing a personal bond for sum of Rs.1,00,000/- with one surety for the like sum to the satisfaction of the court, subject to the following Condition;

1. Petitioner/accused shall appear before the court on very date of herein till disposal of the case.
2. Petitioner/accused shall not tamper and threat to the prosecution witness in any manner.
3. The petitioner/accused shall not go near the house of victim and

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he shall not threat victim or her
children.

(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 07th day of March - 2026)

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