

KAYG320001272026



1 Crl.Misc.No.5037/2026

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 10th DAY OF MARCH, 2026.

CRL. MISC. 5037/2026

- Petitioners:**
- 1.** Raghavendra S/o Bhimanna Kambali ,
Age: 35 Years, Occ: Agriculture,
R/o Manjalapur halli/ Srinivaspurhalli,
Tq: Shorapur, Dist:Yadgiri.
 - 2.** Parashu Nayak @ Parashuram S/o
Basappa Yarakihal, Age: 24 Years,
Occ: Agriculture, R/o Hanamasagar
Tq: Hunsagi, Dist: Yadgiri.

(By Sri.MSM Adv..)

V/s

Respondent: The State through Shorapur P.S.

(By Sri. Public Prosecutor)

ORDER ON BAIL PETITION FILED U/SEC.482 OF
BNSS.

Being apprehended of arrest by the respondent, in
Crime.No.201/2025 of Shorapur PS, registered for the

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2 CrI.Misc.No.5037/2026
offence P/U/Sec.61(2), 318(4), 351(2), R/w 3(5) of BNS
and section 4 & 5 of the prize chits and money circulation
scheme (banning Act) against accused No.1 to 3, the
present petitioners/accused No.2 & 3 have filed this
petition for the necessary directions to the respondent to
release them on bail in the event of their arrest in the
said crime.

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

The complainant lodged the complaint stating that, one year back in the month of July accused by name Venkatesh, Raghavendra & Parashuram visited his house and told him that they launched a one lucky scheme in that there are different 30 items are their and 30 draws are their and also one bumper draw in which platina motor cycle is their, and the draw date is fixed on 30.09.2024. that accused told him to take 11 cards of scheme, at that time complainant told that he is a farmer so give me only one card for that accused threaten the complainant and given 11 cards and for each card R.999 and total Rs.10989/- taken from the complainant and



issued cards bearing No. 38, 132, 240, 251, 26, 281,282, 328, 342, 410, 494. that I saw the scheme card in the name of Diamond lucky scheme on it, and it consist of 2500 members and complainant saw that there is no legal permission on it. When complainant asked about about the license or permission of the accused, accused told that, you don't worry about that, and it is common, now it is going on, but, no draw conducted with his knowledge, they are money members who are also facing same problem with this he lodged the complaint on basis of which crime has been registered, being apprehended of arrest by the respondent, the petitioner has filed this petition on following ;

GROUNDS

A. The accused persons are innocent falsely implicated, investigation completed and charge sheet submitted, no witnesses stated in the statement that they have purchased cards from the accused.

B. There is no sufficient material placed before the court to connect these petitioners with alleged offences. The complainant stated



in his complaint that 2500 persons received scheme cards from the accused but non of the person has filed any complaint.

C. The accused has never committed offences against them, the complainant has filed false complaint to harras the petitioner, there is no material in the charge sheet.

D. The petitioner is ready and willing to abide by any conditions which 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 accused person has committed non-bailable offences and there is no genuine grounds, investigation is going on, if accused person released on bail he will give threat to the complainant and tamper the prosecution witness, there is every chance of repetition of same crime by the same petitioner, and he will not co-operate with IO, and hamper the investigation, and with this the Ld PP prayed for rejection of bail petition.



4. Heard on both sides. Along with petition, the petitioner has produced entire charge sheet.

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 482 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, (i) the nature and gravity of the accusation; (ii) the antecedents of the applicant including the fact as to whether he has previously undergone imprisonment on conviction by a court in respect of any cognizable offence; (iii) the possibility of the applicant to flee from justice.

8. On careful scrutiny of facts stated in the complaint, there is no specific allegation against accused, there is a vague allegation against accused persons stating that they have collected the money from 2500 customers by issuing card, but no customers have lodged the complaint against accused persons except present complainant, that apart, the complainant himself has stated in the complaint that, at that time of issuing card he did asked about permission, accused told that he has no such permission, which creates doubt about prima-facie case at this stage. Further the complaint stated that he wanted to purchase only one card but accused persons get a threat to purchase 11 card due to threat he purchase 11 card only because of threat of accused, than



what prevent the complainant to set law in motion against the accused persons when they gave threat, no such steps taken by the complainant, which shows no prima-facie case at this stage, the complainant must show prima-facie that, accused had dishonestly in induced them, issued card and collected money and failed to conducted draw and failed to returned the money. First of all there is no documents to shows that, complainant is subscriber or he received card from the accused persons, the alleged offences are not punishable with death of imprisonment of life and there is no material before the court to show prima-facie case, hence I am of the opinion that, at this stage, the petitioner is entitle for the bail. Hence I answer this point in the **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.482 of BNSS Act, by the petitioner is hereby allowed. Consequentially, the petitioners/accused No.2 & 3 is ordered to be released on bail, in



Crime.No.201/2025 of Shorapur PS, registered for the offence P/U/Sec.61(2), 318(4), 351(2), R/w 3(5) of BNS and section 4 & 5 of the prize chits and money circulation scheme (Banning Act), on their executing a personal bond for sum of Rs.50,000/- with one surety for the like sum to the satisfaction of the IO, subject to the following Condition;

- 1. Petitioners/ accused No.2 & 3 shall appear before the court on every date of hearing till disposal of the case.*
- 2. Petitioners/accused No.2 & 3 shall not tamper and threat to the prosecution witness in any manner.*
- 3. The Petitioners/accused No. 2 & 3 shall not involve in commission of same crime.*

(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 10th day of March 2026)

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