



**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 18th DAY OF MARCH, 2026.

CRL.MISC. 5038/2026

Petitioner: Manappa @ Mounesh S/o
Bheemanna, Age: 30 years, Occ: Agri,
R/o Machagundal village, Tq:
Shorapur, Dist: Yadgiri.

(By Sri.GRB. Adv.,)

V/s

Respondent: 1. The State through Shorapur P.S.
Tq: Shorapur, 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.39/2026 of Shorapur PS,



registered for the offence P/U/Sec.103, R/w Sec.3(5) of BNS, against the accused No.1 and 2 as per FIR, the present petitioner is accused No.1.

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

On 08.02.2026 the complainant lodged the complaint stating that, deceased is his younger brother and he married with accused No.2 and led marital life with accused No.2, thereafter, deceased started to suspect on chastity of accused No.2 who is his wife, and he refused to lead marital life with accused No.2 suspecting that, she has illicit relationship with accused No.1, as such, on 29.01.2026, at 08.00 pm, deceased gone to parents house of accused No.2 after taking quarrel with accused No.2, on the next day i.e., on 30.01.2026 at 08.00 am, the complainant, his mother, his wife were in the house, he received call from one Shiremma and she told to talk with Manikyamma, said Manikyamma told through phone deceased was sleeping



on the roof of his in-law house, and they were sleeping in the house, and she gone ti roof in the morning at that time, deceased was sustained injury to his head and she asked the complainant to come soon, to the hospital, soonafter receipt of said call the complainant and his wife and his mother came to the Govt. Hospital Shorapur, they saw deceased sustained head injury and injury to his face, after taking treatment the deceased was reffered to Kalaburagi hospital for higher treatment, on 03.02.2026 at 02.00 am, the doctor told to the complainant that, the deceased was under serious condition and chances of survival was never less, on account of which, they got discharged the deceased from the hospital and took him to his village, on the next day morning at 08.00 am deceased died. Thereafter, the complainant came to know from one Malappa that, on 29.01.2026 at 01.00 am in the mid night when he gone to answer second nature call he saw



the accused in front of house of parents of accused No.2 with holding stick in his hand, he saw him in the electrical burning light and it was night hence he became panic and he did not went to the accused No.1 in the night hours, on account of which, the complainant suspect and that, accused No.1 has assaulted on deceased as he has illicit relationship with accused No.2, hence he 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. *The accused No.1 is innocence person and doing agricultural work he has not committed any offence, the complainant filed false complaint against accused No.1 on suspect.*



B. *There was a delay of 05 days in lodging complaint, no explanation offered for delay, there is no material placed before the court to connect this accused person with alleged crime.*

C. *The accused is only earning member in his family, he had movable and immovable properties within the jurisdiction of this court.*

D. *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 person, if accused is released on bail he will give a threat to the prosecution witness, and there is no genuine grounds, and destroying material object and there is every chance of absconding of accused, and the accused committed colluding with accused No.2 as accused No.1 has illicit



relation with accused No.2, 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 order sheet in crime No.39/2026 of Shorapur PS, and FIR and complaint and remand sheet. The Ld counsel for petitioner relied on the decision reported in **2025 (4) KCCR 3678, in case of Mustafa Shakir Hussain @ Modh. Mustafa V/s The state of Karnataka.**

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;

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. I have perused and scrutinized the facts stated in the complaint and I have perused material placed before the court, there was a delay of 05 days, but, the accused No.2 being wife of deceased did not come forward to set law in motion, even accused No.2 not came to hospital when deceased was admitted in the Shorapur hospital, she did not



came to see her husband. The specific allegation against the accused No.1 and 2 is that, accused No.2 had illicit relationship with accused No.1 and when deceased refused to led marital life with deceased the accused persons committed such heinous offence. That apart, when deceased took quarrel with accused No.2 and went to the house of her parents and he was sleeping on the roof of house of parents of accused No.2. at that time, the accused No.1 who is belongs to same village, and accused No.2 intimated to accused No.1 that, her husband is sleeping on the roof of her parents house. Further, the complainant has specifically stated that, the neighbor of house of parents of accused No.2 saw the accused No.1 in front of house of parents of accused No.2 holding stick, it was about 01.00 am, in the mid night. Thus, the said neighbor by name Malappa S/o Ayyanna Chegiri, R/o Machagundal village, thus, said Malappa being resident of same village of accused NO.1 and he identified the accused No.1 on the mid night in front of house of parents of accused No.2. That apart, the accused No.2 being wife of deceased she did not gone to the house of her parents



and to hospital when deceased was taking treatment, under these circumstances there is a sufficient material to show prima-facie case against present petitioner, the alleged offence is punishable with death or imprisonment for life, investigation is going on, at this stage, when there is a investigation pending for the offence punishable with death or imprisonment for life, and there is a sufficient material before the court against accused No.1 at this stage, accused No.1 is not entitled for bail. Off-crouse, accused No.2 is on bail, the doctrine of parity can not be made applicable to the case on hand, looking to gravity of offence and manner in which the crime committed by the accused persons the accused No.1 is not entitle to have shelter under the law laid down in the decisions relied on by the accused, looking to the facts and circumstances of the case, at this stage, accused No.1 is not entitle for bail, hence I answer point No.1 in **Negative**.

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

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Crl.Misc.5038/2026

ORDER

The petition filed U/Sec.483 of
BNSS Act, by the petitioner/accused
No.1 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 18th day of March - 2026)

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