

KAYG320001272026



1 CrI.Misc.No.5040/2026

**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. 5040/2026

- Petitioners:**
- 1.** Sharanappa S/o Goudappa Hadnur,
Age: Major, Occ: Agriculture,
R/o Yalgi village, Tq: Shorapur,
Dist:Yadgiri.
 - 2.** Goudappa S/o Sharanappa Hadnur
Age: Major, Occ: Agriculture,
R/o Yalgi Village, Tq: Shorapur,
Dist: Yadgiri.
 - 3.** Umesh S/o Sharanappa Hadnur
Age: Major, Occ: Agriculture,
R/o Yalgi village, Tq: Shorapur,
Dist: Yadgiri.

(By Sri.SMP Adv..)

V/s

Respondent: The State through Kembhavi 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.26/2026 of Kembhavi PS, registered for the offence P/U/Sec. 115(2), 118(1), 109, 74, 352, 351(2) R/w 3(5) of BNS, against accused No.1 to 4, the present petitioners/accused No.1, 2 & 4 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:-

On 25.02.2026 the complainant lodged the complaint stating that, himself and his 3 brothers are residing together and the accused persons being distinct relatives are not cordial with them for the last many years and they used to told that they will kill them, such being the fact on 23.03.2026 at 8.00 pm complainant and his brothers and his mother were in front of their house at that time accused No.1 to 4 came together and abused in filthy language and

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asked complainants and his brothers as to why you are tying the cattles on the road which obstruct road users at that time the complainant and his brothers told to the accused that they are tying cattles for the last some many years, on account of which accused persons abused in filthy language and caught hold complainant's brother Shivanna and made him to lie on the ground and kicked on his chest, at that time accused No.1 & 2 & 4 caught hold the complainant's brother at that time accused No.3 took the stick and hit on complainant's brother head and caused injury, and blood was oozing from the head, at that time complainant and his mother, younger brother went to rescue his brother Shivanna at that time accused persons abused in filthy language and assaulted on complainant with hands and accused persons hold hairs of complainant's mother and dragged her and assaulted on her with stick, on account of which they screamed, on hearing the same the road users came



and rescued them from the hands of accused persons, and accused persons gave a life threat to the complainant and his family members, they took injured to Kembhavi Govt. hospital, after preliminary treatment again they were referred to Govt. District hospital Yadgiri, hence they lodged the complaint against accused persons. The respondent No.1 registered crime and arrested accused No.3 and produced before the court and court has remanded accused No.3 to JC and accused No.3 is in JC hence he filed the present petition on following ground.

GROUND

A. *The petitioner/ accused No.1, 2 & 4 is innocent, he has falsely implicated in the case due to previous enmity and there was civil dispute between complainants family and petitioner family, there was two days delay in lodged complainant.*

B. *The complainant himself has not sustained any injury and injuries*



sustained as alleged in the complaint or not grievous in nature, the offences alleged against accused persons or not death and imprisonment of life, there was long pending dispute between both family in connection with tying of cattles in front of complainants house as same obstruct the road users.

C. *There is no prima-facie case against present petitioners, the petitioners are permanent resident of Yalgi village having movable and immovable properties within this jurisdiction of this court.*

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, accused No.1, 2 & 4 are already absconded from the date of crime, investigation is made on and if accused is released on bail he will not cooperate with IO and IO has to record



statement of injured witness and IO has to search the accused NO.1, 2 & 4, there is prima-facie case against accused persons, if accused is released on bail there is every chance of giving threat to prosecution witness and there is every chance of absconding of accused of which will hamper the investigation, there is no genuine reason and grounds to grant bail.

4. Heard on both sides. Along with petition, the petitioner has produced certified copy of FIR and complaint in crime No.26/2026 and certified copy of FIR and complain in crime No.27/2026 of Kembhavi PS.

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 ?



with tying of cattles and he also stated in the complaint that they are taking quarrel each other for the last many years in connection with said dispute. Further there was a delay of two days no proper explanation given for the delay except the fact that after the incident they were taken to Govt. hospital Kembhavi, after preliminary treatment, again they were taken to Yadgiri Govt. hospital for higher treatment, on account of which there was a delay, but no MLC registered in both, if injured persons taken treatment in two Govt. hospital then there would be MLC from either of hospital but no MLC produced before the court. That apart, Ld counsel for accused produced photos of the accused, they sustained injuries, present complaint is only to counter case to hide the true facts, this court has perused photos of accused persons. Looking to the nature and gravity of the offences and facts stated in the complaint, at this stage no prima-facie case is made out and alleged offences are not punishable with death or imprisonment of life, on perusal of the facts stated in the complaint I am of the opinion that at this stage, without touching the merits and demerits of case,



1. Petitioners/accused No.1, 2 & 4 shall appear before the IO within 15 days from the date of order and execute the personal bond for sum of Rs.50,000/- with one surety for the like sum to the satisfaction of the IO.
2. Petitioners/accused No.1, 2 & 4 shall not tamper and threat to the prosecution witness in any manner.
3. The Petitioners/accused No.1, 2 & 4 shall not involve in commission of same crime.
4. The Petitioners/accused No.1, 2 & 4 shall co-operate with IO in investigation and appear before him whenever IO called upon to do so, till filing of charge sheet.

(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)