



**IN THE COURT OF II<sup>nd</sup> 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 09<sup>th</sup> DAY OF MARCH, 2026.**

**CRL.MISC. 5041/2026**

**Petitioner:** Mallappa S/o Sharanappa  
Hadnur, Age: 20 years, Occ:  
Agriculture, R/o Yalgi village,  
Tq: Shorapur.

**(By Sri.SMP. Adv.,)**

**V/s**

**Respondent:** The State through Kembavi  
P.S. Tq: Hunsagi, Dist: Yadgiri.

**(By Sir. Public Prosecutor)**

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

The petitioner/accused No.3 has filed this petition for his release on bail in Crime.No.26/2026 of Kembhavi PS,



registered for the offence P/U/Sec.115 (2), 118(1), 109(1), 74, 352, 351(2) R/w 3(5) of BNS, against the accused No.1 to 4 as per FIR, the present petitioner/accused No.3 has filed this petition for his release.

**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 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**S

*A. The petitioner/ accused No.3 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 petitioner the petitioner is in JC for the last 5 days, the petitioner is 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.26/2026 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 ?

**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 condescence 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, complainant himself has stated that there was long pending dispute between the complainant's family and accused family in connection 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 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, if injured persons taken treatment in two Govt. hospital then there would be MLC from either of hospital but no MLC registered and produced before the court. 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, the accused is entitled for bail, the apprehension of state is that if accused is released on bail he will not co-operate with IO and he will give threat to prosecution witness, 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 Act, by the petitioner is hereby allowed.

Consequentially, the petitioner/ accused No.3 is ordered to be released on bail, in Crime.No.26/2026 of Kembhavi PS, registered for the offence P/U/Sec.115 (2), 118(1), 109(1), 74, 352, 351(2) R/w 3(5) 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 No.3 shall appear before the court on every date of hearing till disposal of the case.
2. Petitioner/accused No.3 shall not tamper and threat to the prosecution witness in any manner.
3. Petitioner/ accused No.3 shall co-operate with IO in investigation and shall appear before IO as and when IO called up on 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 09<sup>th</sup> day of March - 2026)

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