

KAYG320001322026



1 Crl.Misc.No.5044/2026

**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 11th DAY OF MARCH, 2026.

CRL. MISC.NO.5044/2026

- Petitioners:1.** Durgappa S/o Hanmantharaya
Solapur, Age: 37 years, Occ: Agri,
- 2.** Ambresh @ Ambeesh S/o
Hanmantharaya, Age: 29 years,
Occ: Agri,
- 3.** Mallamma W/o Hanmantharaya,
Age: 50 years, Occ: House hold,
- 4.** Renuka W/o Durgappa,
Age: 32 years, Occ: Agri, All are R/o
Solapur Doddi Kakkera, Tq: Shorapur,
Dist: Yadgiri,

(By Sri.GRB Adv..)

V/s

Respondent: The State through Kodekal P.S.
Tq: Hunasagi, Dist: Yadgiri.

(By Sri. Public Prosecutor)



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

Being apprehended of arrest by the respondent, in Crime.No.30/2026 of Kodekal PS, registered for the offence P/U/Sec.115(1), 118(1), 118(2), 109, 352, 351(2), R/w 3(5) of BNS, against accused No.1 to 4, the present petitioners/accused No.1 to 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 09.02.2026, the complainant lodged the complaint stating that, when complainant and his father-in-law gone to see the land, complainant's father-in-law in law carrying the stone from his land and keeping on boundary side, accused No.1 to 4 colluded each other and abused in filthy language to the complainant's father-in-law, why you putting the stone on our land side, and accused No.1 taken one iron rod fell on the assaulted on his head and sustained grievous injury, and accused No.2



abused in filthy language to the complainant's father-in-law you will finish him and assaulted on stick on his both hands caused grievous injury, and assaulted on her back and assault on her chick, the complainant and his wife along with neighbor and stopped the quarrel, hence the complainant lodged the complaint. On basis of said complainant respondent registered crime against the petitioners, being apprehended of arrest by the respondent, the petitioners have filed this petition on following ;

GROUND

A. *The petitioners/accused persons innocent and they are nothing to do with the alleged offences, accused persons are the poor family, and doing agriculturist, they are uneducated persons, they are permanent resident of Kakkeri village, Tq: Shorapur, the civil dispute is pending in between the complainant, accused persons family regarding the boundary of lands.*

B. *The accused persons are not committed the any offences as alleged by the*



complainant in the complaint, the allegation is false and created on for harassing the accused persons on the false complaint, there is counter case also registered the Kokekal police against the complainant, the complainant filed after laps of two days.

C. *Looking into the facts and circumstances of the case of the offences U/sec.109 of BNS is non-bailable and triable by the this court.*

D. *The petitioners are 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 persons have committed non-bailable offences, said offence is heinous in nature, and there is no genuine grounds, if accused persons released on bail they will give threat to the complainant and tamper the prosecution witness, there is every chance of repetition of same crime by the same petitioners, and they will not co-operate with



IO and investigation with hamper, and with this the Ld PP prayed for rejection of bail petition.

4. Heard on both sides. Along with petition, the petitioners have produced document, certified copy of FIR with complaint in crime No.30/2026 of Kodekal PS, certified copy of FIR and complaint in crime No.29/2026 of Kodekal 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 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, material placed before the court, and document produced with petition, there is no prime-facie case against the petitioners, the alleged offences are not punishable with death or imprisonment for life. The complainant himself stated in the complaint that, there is dispute between the parties in connection with land, that apart, the Ld counsel for accused filed memo with



documents, which establishes that, there is civil suit pending for determining right of the parties in the suit, no injury sustained by the complainant, it is only in respect of the fact that, pedigree created for having land, in connection of said land civil suit if pending. Looking to the facts stated in the complaint, no injury sustained by complainant, hence I am of the opinion that, at this stage without touching the merits and demerits of the case, the accused persons/petitioners are entitle for anticipatory bail, at this stage, the petitioners are 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 petitioners/accused No.1 to 4 is hereby allowed. Consequentially, the petitioners/accused No.1 to 4 is ordered to be released on bail, in Crime.No.30/2026 of Kodekal PS, registered for the offence P/U/Sec.115(1), 118(1), 118(2), 109, 352,



351(2) R/w 3(5) of BNS, against accused No.1 to 4, on their executing a personal bond for sum of Rs.50,000/- each with one surety for the like sum to the satisfaction of the IO, subject to the following Condition;

- 1. Petitioners/accused No.1 to 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 to 4 shall not tamper and threat to the prosecution witness in any manner.*
- 3. The Petitioners/accused No.1 to 4 shall not involve in commission of same crime.*
- 4. The Petitioners/accused No.1 to 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 11th day of March - 2026)

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