

KAYG320001332026



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CrI.Misc.No.5045/2026

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 18th DAY OF MARCH, 2026.

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Petitioner Samanna @ Somanna S/o Dyavanna
Tallellar, Age: 38 years, Occ:
Agriculture, R/o Tallaelli Doddi Kakkera,
Tq: Shorapur, Dist: Yadgiri.

(By Sri.JAJ Adv.,)

V/s

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

(By Sir. Public Prosecutor)

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

The petitioner/accused has filed this petition, under section 483 of BNSS, for regular bail, in Crime.No.39/2026 of Kodekal PS, registered for the offence P/U/Sec.126(2), 109,



352, 351(2) of BNS, against present accused, and present petitioner/accused.

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

On 18.02.2026, the complainant lodged the complaint stating that, on 17.02.2026 at 09.00 pm, himself and accused gone to Hosuru, in the said village, accused took quarrel with public when he was under drunken condition, and he did not come with complainant to his village, hence the complainant left the accused in Hosuru and he came to his village, as such on 18.02.2026, at 02.30 pm, when complainant was going on his motorcycle with his wife of his brother's wife, at that time, accused came holding match and restrained the complainant and abuse him, as to why he left the accused in Hosuru, by saying so he assaulted on accused with match and caused grievous injury, at that time, the complainant's wife came to rescue the complainant, at that time, accused abused and gave a life threat to them, and went away, and complainant was taken to Kakkera Govt. Hospital, hence the complainant lodged the complaint, On basis of the said complaint the respondent registered the crime against present petitioner



and police have arrested and produced before the court and court remanded his to JC, the present petitioner is in JC, Hence he filed this petition on following ;

GROUND

A. *The petitioner is nothing to do with the alleged offence and he has been falsely implicated in the crime, there is no material before the court to connect these petitioner with alleged offences. Looking to the facts stated in the complaint it is clear that, complainant has created false story and offence U/sec.109 of BNS can not be attracted.*

B. *The complainant has stated that, he has taken treatment due to injury sustained by him, but, no MLC received by the concerned police, accused is in JC, from 23.02.2026, accused is doing agricultural work, he is the only earning member in his family, accused is permanent resident of Tallalli Doddi Kakker village, and he is having movable and immovable properties within the jurisdiction of this court.*



C. The petitioner is ready and willing to abide by any conditions which can 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 non-bailable offences and there is no genuine grounds, the accused person has committed heinous offence and assaulted with machete, alleged offences are grievous in nature, if accused persons are released on the bail there is every chances of tampering prosecution witness and destroying material object and there is every chance of absconding of accused person, if accused person released on bail, there is every chance of committing same offence on same complainant and since investigation is going on if accused released on bail he will not co-operate with IO and investigation will hamper, with this the Ld PP prayed for rejection of bail petition.

4. Heard on both sides. Along with petition, the petitioner has produced document, certified copy FIR and



complaint, and certified copy of order sheet and certified copy of remand 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 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. On careful scrutiny of facts stated in the complaint, material placed before the court, and there is prime-facie case against the petitioner, there are eye witnesses to the incident, and accused used deadly weapons and assaulted on the complainant, looking to the facts and circumstances of the case, manner in which the accused has committed such a heinous offence on innocent person, and looking to the nature and gravity of offence and the weapon used for the commission of crime, and chances of repetition of same crime on the same injured person, at this stage, if accused person is released on bail, there is every chance of giving threat to the injured and their family members, investigation is going on, hence, I am of the opinion that, at this stage, the petitioner is not entitle for the bail, hence the petition is liable to be dismissed. Hence I answer this point in the **Negative**.

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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/accused 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)