

KAYG320001372026



1 Crl.Misc.No.5047/2026

**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 17<sup>th</sup> DAY OF MARCH, 2026.**

**CRL. MISC.NO.5047/2026**

**Petitioners:** Sharanabasappa S/o Guralingappa  
Kotikani, Age: 42 years, Occ:  
Agriculture, R/o Maddarki, Tq:  
Shahapur, Dist: Yadgiri.

**(By Sri.MSM Adv..)**

**V/s**

**Respondent:** The State through Shahapur P.S.  
Tq: Shahapur, 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.36/2026 of Shahapur PS, registered for the  
offence P/U/Sec.318(4), 319(2), 351(2) of BNS, against  
accused, the present petitioner/accused has filed this  
petition for the necessary directions to the respondent to



release him on bail in the event of his arrest in the said crime.

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

On 19.02.2026, the complainant lodged the complaint stating that, his father and mother of died, they are 06 brothers and 04 sisters and one brother Shivalingappa was died, the complainant ancestral property 160 acres, out of which 33 acres has fallen to his share, and his brother has sold 15 acres land for daughters marriage and family necessity and remaining land using for cultivation, the petitioner land in Sy.No.221 adm 03 acres 18 guntas which is fallen to the share of complainant, by creating false documents, on 20.01.2026 at sub-registrar officer, with help of another person and in the present of Vishwanath and Shankreppa of their village, they put their signature as witnesses to that sale deed, about this, the complainant came to know in the month of January of this year and complainant asked to this petitioner, but, petitioner told to the



complaint that he has sold the property you can do where you wants to do, said whatever you want you do he sold that land and if come again regarding this matter he will kill him, and the accused created false documents, hence the complainant lodged the complaint. On basis of said complainant respondent registered crime against the petitioner, being apprehended of arrest by the respondent, the petitioners have filed this petition on following ;

**GROUND**

- A.** *The Police Shahapur has registered case in Crime No.36/2026 against the accused person/petitioner on the false and baseless complaint filed by the complainant and he has nothing to do with the alleged offences, they have not committed any offences an alleged, but, falsely implicated the petitioner in this case with an intention to harass him and the accused/petitioner is innocent person and law abiding citizen of society, they belongs to good family and the petitioner has no criminal records.*
  
- B.** *On perusal of the complaint indicate that, there is no valid and reasonable grounds to*



*believe that this petitioner has committed any offence much less the offence mentioned above as there are no documentary evidence to show that this petitioner has sold the said land, the petitioner is civil disputes and does not constitute any criminal offence and no offences have been committed by the petitioner unless and until proves the petitioner.*

**C.** *The offence alleged against the petitioner is neither punishable with imprisonment for 10 year of life or death and the offences alleged are exclusively triable by Hon'ble JMFC court Shahapur. The petitioner is permanent resident of address shown the cause title, having movable and immovable property within the jurisdiction of this court.*

**F.** *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, the accused



person has committed non-bailable offences, created false documents and there is no genuine grounds, if accused person released on bail he will give threat to the complainant and tamper the prosecution witness, there is every chance of repetition of same crime by the same petitioner, and they will not co-operate with IO and investigation will hamper, and 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 of FIR with complaint.

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 petitioner, 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, created false documents, in connection of said plots civil suit is 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 person/petitioner is entitle for anticipatory bail, at this stage, the petitioner is 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 petitioner/accused is hereby allowed. Consequentially, the petitioner/accused is ordered to be released on bail, in Crime.No.36/2026 of Shahapur PS, registered for the offence P/U/Sec.318(4), 319(2), 351(2) of BNS, against accused, on his 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. Petitioner/accused 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. Petitioner/accused shall not tamper and threat to the prosecution witness in any manner.*
- 3. The Petitioner/accused shall not involve in commission of same crime.*

KAYG320001372026



9                      CrI.Misc.No.5047/2026

*4. The Petitioner/accused shall cooperate 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 17<sup>th</sup> day of March - 2026)

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