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SC NO.5004/2026

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 27th DAY OF MAY, 2026.

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Petitioner: Sangappa S/o Basanna Rajavol,
Age: 35 years, Occ: Driver,
R/o Hirehalla Kakkeru,
Tq: Shorapur, Dist: Yadgiri.
(By Sri. D.V. Adv.,)

V/s

Respondent: The State through Shorapur 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.247/2025 of Shorapur PS (SC.No.5004/2026), registered for the offence P/U/Sec.103(1) of BNS.



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

On 06.10.2025, the complainant who is elder brother of deceased, lodged the complaint stating that, deceased is his younger sister, given in marriage to accused which took place 12 years back, and deceased led marriage life with accused, and gave a birth to 02 daughters, accused used to quarrel with deceased, deceased used to tell about the same to her family members, complainant and his family members used to advise the accused not to do such things, and look after properly, but, accused did not heed and continued the same, hence, for the last 01 year deceased was residing with her parents house with her daughters, accused used to come to the house of complainant and used to stay with deceased and even in the house of parents of deceased accused used to quarrel with deceased, as such, on 05.10.2025 the complainant and his wife were sleeping in one room, and complainant's father and his younger brother were sleeping in the room adjacent to the room of complainant, and deceased and accused were sleeping in the last room after having



meals, it was 1.45 am on 06.05.2025 complainant wake up to answer first nature call, but, door of house is latched from outside, hence complainant called his neighbor one Suresh through phone and asked him to come and open the door, he came and open the door, the complainant, his wife, his younger brother saw that room of deceased is little opened hence the complainant, his wife, his brother went to the room of deceased accused was standing inside the room near the door holding axe, on saying the complainant and his family members accused pushed them and ran away from the room by throwing axe in the room, than the complainant and his family members went inside the room and found deceased fell with full of blood, and the saw injury on back of neck of deceased and axe, hence the complainant lodged the complaint against accused, on basis of the said complaint the respondent registered the crime against present petitioner/ accused, and police have arrested him and produced before the court and court remanded him to JC, the present



petitioner is accused as per charge sheet, who in JC, Hence
he filed this petition on following ;

GROUND

A. *The petitioner/accused is innocent, he has not at all committed any offence, he has been falsely implicated, there are no eye witnesses to the incident, and circumstantial witnesses CW1, 12 to 15 are planted witnesses, they never say the assault and they have not heard any sound from the room where deceased was sleeping, they did not try to catch the accused and did not chase him, which is unnatural conduct.*

B. *The presence of CW25 and other daughter is not mentioned in the FIR and complaint and in inquest which is unnatural, if really incident took place as alleged in the complaint two children of deceased naturally eye witnesses, dead body was shifted to hospital without conducting inquest, which creates doubt on the prosecution case.*

C. *The accused is JC from 04.01.2026, investigation is already completed and charge sheet has been filed, hence continuing judicial*



custody of accused is amounts to pre-trial conviction, no antecedents against petitioner he lived with his wife happily and blessed with to children.

D. *There was delay in recording of statement of CW25, thus, there is no prima-facie case against accused, there is no material before the court to connect the petitioner with alleged offence, the petitioner is only earning male member in his family and he has to lookafter his two children.*

E. *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, during investigation IO has collected sufficient material against the present petitioner, the accused used deadly weapons, and committed heinous offence on his wife, no genuine ground made out in the petition there are sufficient material in the charge sheet



to show prima-facie case against accused, as eye as seized blood stained cloths of deceased and bloods stained bed, if accused is released on bail, there is every chances of threat to the complainant, daughters of deceased as accused is husband of deceased, there is every chance of absconding and tampering prosecution witness and if accused is released on bail he will not co-operate in speedy trial, offences committed by petitioner is in heinous nature, it is brutal murder of deceased which is punishable with death or life imprisonment, with this the Ld PP prayed for rejection of bail petition.

4. Heard on both sides.

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;



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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 absconding 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 on perusal of



the entire charge sheet, there is prime-facie case against the petitioner, the accused being husband of deceased, due to mental and physical harassment suffered at the hands of accused by the deceased she started to reside in the house of her parents with daughters, even when deceased was residing in the house of her parents the accused used to come to the house of complainant and stay with deceased, and he used to quarrel with deceased even in the house of complainant, thus, the presence of accused with deceased in the house of complainant is quite natural, and there are eye witnesses, if really accused is not responsible for the death of deceased, he would have called the complainant and his family members who were sleeping in the same house in adjacent rooms on seeing the deceased fell with full of blood in the same bed on which deceased and accused were sleeping and he would not ran away from the room on seeing the complainant and his family members, the Ld counsel for the accused contended in the argument that, two daughters naturally sleeping with mother, but, two daughters were not sleeping with mother in



the room. The complainant himself has stated that, daughters of deceased are 10 years and 08 years old, under such age no daughters like to sleep with her parents in the same room, so, argument of the Ld counsel holds no good, and can not be expected the daughters of such age should be sleep with her parents in single room. I have also gone through photos, PM report, and material placed before the court and the charge sheet, it is seen that, there are sufficient material before the court to show prima-facie case against accused and the crime committed by accused is heinous in nature, and punishable with death or imprisonment for life,

9. Further it is settled position of law that, in case of brutal murder, after charge sheet, the bail cannot be granted generally, in other words, the courts are reluctant to grant bail unless there are special circumstances. Further the role of accused i.e, overt-act. The charge sheet submitted in brutal murder case which took place in residential house, if accused has been kept in JC for a significant period i.e, years together the consideration of bail petition in brutal murder case would



be different, no such things are happened in the case on hand.

10. The hon'ble Apex court considered the right of accused under article 21 of Constitution and held in the decision reported in **(2020) 3 Supreme court cases 321 in case of Varinder Kumar V/s State of Imachal Pradesh**, at para No.12, which reads thus;

Individual rights of the accused are undoubtedly important, but, equally important is the societal interest for bringing the offender to book and for the system to send the right message to all in the society - be it the law - abiding citizen or the potential offender. "Human rights" are not only of the accused but, extent apart, also of the victim, the symbolic member of the society as the potential victim and the society as a whole.

11. Looking to the gravity and nature of the offence alleged and the punishment prescribed for the said offence is rigorous imprisonment for life or death and looking to the manner in which the accused committed murder and at this stage, without touching merits and demerits of the case, I am of the opinion that, if accused is released on bail, there is every chance of giving threat to the complainant and

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daughters deceased and his family members, the petitioner is
not entitle for the bail, Hence the petition is liable to be
dismissed. Hence I answer this point in the **Negative**.

12. 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 27th day of May - 2026)

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