



**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 27<sup>th</sup> DAY OF JUNE, 2026.**

**Crl.Misc.NO.5109/2026**

**Petitioner No.1**

Vinod S/o Mallikarjun Rathod,  
Age: 24 years, Occ: Agri, R/o  
Kolihal Naduvina Tanda, Tq:  
Hunasagi, Dist: Yadgiri.

**2.**

Shantappa @ Shantilal S/o  
Shevanappa,  
Age: 64 years, Occ: Agri, R/o  
Kolihal Naduvina Tanda, Tq:  
Hunasagi, Dist: Yadgiri.

**3.**

Venkatesh S/o Krushnappa Rathod,  
Age: 40 years, Occ: Agri, R/o  
Jumalaur Tanda, Tq:  
Hunasagi, Dist: Yadgiri.

**4.**

Ramu S/o Revappa Chavan,  
Age: 45 years, Occ: BSF Head  
constable, R/o Kolihal Nadvina  
Tanda, Tq: Hunasagi, Dist: Yadgiri.

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2                      CrI.Misc.No.5109/2026  
(By Sri.JBK Adv.,)

**V/s**

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

**(By Sir. Public Prosecutor)**

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

The petitioners/accused No.4, 9, 17 and 28 have filed this petition, under section 483 of BNSS, for regular bail, in Crime.No.75/2026 of Hunasagi PS, registered for the offence P/U/Sec.189(2), 191(1), 191(2), 115(2), 118(1), 118(2), 109, 74, 352, 351(2), 329(4) R/w Sec.190 of BNS, against accused No.1 to 29, and present petitioners/accused No.4, 9, 17 and 28.

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

On 17.05.2026, the complainant by name Sitappa S/o Lachappa Chovahan R/w of Kolihal Naduvinatanda, father of Gurubai lodged the complaint stating that, his daughter Gurubai given in marriage to Chandappa S/o Shankrappa Rathod, R/o Kolihal Melina Tanda, said Chandappa has



pledged his land adm 03 acres 00 guntas, to Tarabai W/o Shantappa Chowan for Rs.15 lakhs under registered document for the said loan, two days before the complaint, Chandappa who is husband of Gurubai, has repaid the Rs.15 lakhs to Tarabai and re-entered his name in revenue records, as such, on 16.05.2026 at 10.00 pm, the relative of Tarabai i.e., Ramu S/o Revappa Chavan and his followers came to complainant who is father-in-law of said Chandappa and asked him, to advise his son-in-law i.e., Chandappa to sale the said land to Tarabai and asked as to why Chandappa has not sale the said land to Tarabai, and took quarrel and assaulted, in the said quarrel Keerappa sustained some minor injuries, on account of said quarrel the present complainant came to the house of his son-in-law Chandappa and stayed in his house at Kolihal Melina Tanda, such being the facts, on 17.05.2026 at 04.30 am, in the night hours, when complainant his in the house of his son-in-law Chandappa, and Chandappa was also in his house, he was sleeping in the house, at that time, accused No.1 to 29 came



to the house of Chandappa holding sticks, iron rod and stones in their hands, and broken house door of Chandappa and trespassed into the house and wake up Chandappa and accused No.9 abused in filthy language and asked as to why you did not sale your land to Tarabai, accused No.2 tried to assault on head of Chandappa with rod, but, he resisted with his hands, hence he sustained injury to his hands, accused No.8 assaulted on both knees of Chandappa with stick, when Gurubai came to the rescued her husband Chandappa he accused No.19 hold her neck and pressed and tried to kill her, accused No.22 assaulted on right hand elbow of Gurubai with stick, at that time, complainant tried to rescue his daughter Gurubai, but, accused No.7 assaulted on right hand elbow with iron rod, accused No.4 assaulted on both knees of complainant with stick, at that time, his grand-daughter Parvati came to the rescue, but, accused No.28 hold her hairs, and dragged her and made her to lay on the ground and killed on her leg and accused No.10 told that, don't leave her, and finish her, abused her and other accused persons



hold don't leave him, and finish him (Chandappa) and injured screamed, thereafter, accused persons left by giving life threat to the complainant, his son-in-law and his family members, hence, the complainant lodged complaint, on basis of the said complaint the respondent registered the crime against present petitioners and police have arrested and produced before the court and court remanded their to JC, the present petitioners is in JC, Hence he filed this petition on following ;

**GROUND**

**A.** *The accused persons/petitioners are nothing to do with alleged offences, they have been falsely implicated by the police, there is no material before the court to connect these petitioners with alleged incident, no prima-facie case made out, they alleged offences are not punishable with death or imprisonment for life, except offence U/Sec.118(2) and 109 of BNS.*

**B.** *The accused persons under takes that, they will not misuse the liberty if given, they will not tamper the prosecution witness, the petitioners are permanent resident of Kolihal Naduwina Tanda, Tq: Hunasagi, having movable and*



*immovable property within the jurisdiction of this court and police officers searching for petitioners, hence they are under apprehension of arrest and they are crimes No.74/2026 and 76/2026 and 52/2026 registered on false complaint by the respondent No.1, accused No.1, 2, 5, 6 and 10 are already released on bail by this court in Crl.Misc. No.5099/2026 dated 26.05.2026, the petitioners are in JC from 27.05.2026.*

**C.** *The petitioners are 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 petitioners have committed non-bailable offences and there is no genuine grounds, the accused persons have committed heinous offence, and assaulted with danger weapon and accused persons having Rowdy elements and they have involved in crime No.74/2026 and 76/2026, the accused persons not only assaulted on woman and child with such a weapons they



caused damaged to vehicles belongs to injured persons, if accused persons are released on the bail there is every chances of tampering prosecution witness and there is every chance of absconding of accused persons, and if accused persons released on bail they will not co-operate with IO, and there is every chance of repetition of crime by the accused persons, with this the Ld PP prayed for rejection of bail petition.

**4.** Ld counsel Smt.S.M patil and Sri. Ajay patil have filed application seeking permission to assist the Ld PP on behalf of the complainant, same was allowed and the counsel for the complainant filed objection to the bail application on behalf of the complainant through Ld PP, and filed memo with photos of injured person and news paper cut off in which the incident has been circulated, further contended in the objection there are 06 bail petitions in connection with crime No.74, 75, 76 of 2026, where in the same accused persons assaulted on the injured who are relative of Chandappa, but, all incident took place on same night which continued till



early next morning hours, the accused No.28 being BSF soldier and he misused his position and influence and assaulted on injured persons and family members, irrespective child, woman and old age woman, girls with deadly weapons and trespassed into the house of Chandappa and assaulted with deadly weapons, and caused damage to house hold articles and demolished and destroyed belongings of Chandappa and his relatives, and brutally assaulted on injured persons as it could be seen from photos and videos filed in connected bail petitions and with present bail petitions and prayed for rejection of application.

**5.** Heard on both sides. Along with petition, the petitioners have produced document, certified copy of FIR with complaint and true copy of bail order in Crl.Misc. No.5099/2026, true copy of FIR in crime No.75/2026 and 76/2026 and 52/2026.

**6.** Ld PP filed objection with IO report and 10 photos, Ld counsel for complainant filed objection and memo with pen-drive and requested the court to considered photos





produced by the complainant in connected bail petition which are in respect of same incident and accused persons are the also same.

7. 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 ?

8. 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**

9. **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.

**10.** On careful scrutiny of facts stated in the complaint, material placed before the court, and documents produced with petition, it is clear that, there is prima-facie case, it is specifically stated in the complaint that, the incident took place in connection with land is in between Chandappa S/o Shankrappa Rathod and accused No.9, 26 Tarabai and accused No.28 and it is also stated in the complaint by the complainant himself that, the scuffle took place between accused No.28 Ramu and his followers, and accused No.28 is relative of accused No.9 and 26, such being facts, on 16.05.2026 at 10.00 pm, there was quarrel between accused No.28 Ramu and his followers and present complainant in connection with land, on 17.05.2026 at 04.30



am, the complainant was in the house of the son-in-law Chandappa and said Chandappa was sleeping, at that time, accused No.1 to 28 came near the complainant, abused in filthy language and wake up Chandappa and assaulted Chandappa, Yeshoda, Sitappa, Gurubai and Parvati as stated in the complaint extracted supra. The accused persons all together, in whole night from 16.05.2026 at 10.00 pm to 17.05.2026 till 06.00 am, have assaulted on the complainant and his family members and on his relative families, in connection with said land, the complainant family, his relatives who were sustained injuries, at the hands of accused persons, have lodged the complaint, on basis of said complaint in Crime No.74, 75, 76 of 2026, have been registered and lodged FIR, on basis of complaint lodged by injured persons, three deferent FIR registered.

**11.** The pen-drive produced by the complainant played in the open court and I have also gone through carefully the photos of injured persons and photos of vehicles damaged, photos of kitchen room produced in



Crl.Misc.No.5119/2026 in crime No.74/2026, as crime No.74,

75, 76 of 2026 are in respect of same incident, lodged by deferent injured persons, in 03 crimes accused persons are same, on perusal of the same it is reflects that, photo No.1 and 2 are belongs to injured by name Parvati and her female child of one year, photos No.3 and 4 are photos of injured woman of 45 years old by name Gurubai, and photo No.5 and 6 are the photos of injured by name Chandappa Rathod, photo No.7 and 8 are photos of injured by name Sitappa Chovan, these photos produced in Crl.Misc.No.5119/2026. On careful perusal of these photo No.1 and 2 it prima-facie shows that, accused persons assaulted with deadly weapons in such brutal manner for whole night from 16.06.2026 at 10.00 pm to 17.06.2026 till 06.00 am, that even they did not leave a child of one year, who was with injured Parvati, photo No.3 and 4 clearly and prima-facie shows that, the accused persons have assaulted on woman of more than 45 years old on her entire body, and her tibia and pubila both bones are fractured and she sustained fracture to her right hand, and



all over the body, and photo No.5 and 6 shows fracture of legs of Chandappa and assault on his back and in the said photos reflects X-ray films the fracture of back bones and fracture of legs below knee, photo No.7 and 8 reflects assault on old age persons on their legs and faces, these photos shows that, the accused persons swung it violently at the injured persons through out night and they searched and assaulted wherever the complainant and his relatives found, it is unprovoked assault on injured persons repeatedly and brutally on vital part of injured irrespective of child, old age woman and old age man, who are easily available in Tanda, on vital part of the body, which resulted in severe blunt force trauma, multiple injuries with dangers weapons capable to cause death as it could be seen from photos, photos No.7 and 8 shows old age injured persons sustained grievous injury on their eye and chest and legs. The material placed before the court including photos produced in Cri.Misc.No.5119/2026 and pen-drive, prima-facie shows the act of accused persons are not only brutal assault on woman and child and old age



persons it also shows prima-facie inhuman act of accused, more particularly, pen-drive played, which prima-facie shows the situation in local and what is the brutal act of accused, no prudent man could believe that, those photos are not reliable for prima-facie case.

**12.** Off-course, this court granted bail to accused No.1, 2, 5, 6, and 10 in Crl.Misc. No.5099/2026, dated 26.05.2026, in crime No.74/2026, observing that, dispute relating to bund is in between Shankra and accused No.1, but, at the time of disposal of said bail petition neither the complainant nor petitioner produced the photo and pen-drive to see gravity, nature, severity crime and the injured were not in position to provide such photos and other material to the court as they were under treatment as it could be seen from discharge summary produced by the accused persons in Crl.Misc No.5118/2026.

**13.** Off-course the Ld counsel for the accused argued that, the petitioner's right to liberty is constitutional right



and they are presumed to be innocent till guilt is proved, with this he prayed for allowing bail petition.

**14.** At this stage, I would like to extract the law laid down in case of Prasanta Kumar Sarak V/s Ashais Chatterjee, held thus;

*9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:*

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
- (ii) nature and gravity of the accusation;*
- (iii) severity of the punishment in the event of conviction;*
- (iv) danger of the accused absconding or fleeing, if released on bail;*
- (v) character, behaviour, means, position and standing of the accused:*
- (vi) likelihood of the offence being repeated;*



*(vii) reasonable apprehension of the witnesses  
being influenced; and  
(viii) danger, of course, of justice being thwarted  
by grant of bail.*

**15.** The Hon'ble Apex court observed that, if the above condition are complied the arrest of accused on basis of sufficient materials in heinous crime, is not amount to affect on personal liberty. The accused persons are not having unrestricted liberty, either of nation or of individual, the liberty itself is the product of restraints, it is inherently a composite of restraints, it dies when restraints are withdrawn. So, freedom is not an absence of restraints, it is composite of restraints. There is no liberty without order. There is no order without systematized restraint. Restraints are the substance without which liberty does not exist. Looking to the manner in which the accused has committed such a heinous offence, that too, accused persons assaulted on child of one year when the child was with injured mother, and accused assaulted on woman and old age persons with deadly weapons and caused fractures. I would like to relied on the decision report in





(2020) 3 Supreme cases 321 in case of Varinder Kumar V/s

State of Himachal Pradesh, the Hon'ble Apex court held at para No.12 of judgment, which reads thus;

*12. 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.*

**16.** Further, I relied on the decision reported in (2016) 9 Supreme court cases 443 in case of Chandrashekar Prasab @ Chandubabu V/s State of Bihar and another; the lordship have held in the judgment at para 10, which reads thus;

*10. This Court in Rajesh Ranjan Yadav v. CBI balanced the fundamental right to individual liberty with the interest of the society in the following terms in para 16 thereof: (SCC p. 79)*

*“16. We are of the opinion that while it is true that Article 21 is of great importance because it enshrines the fundamental right to individual liberty, but at the same time a balance has to be*



*struck between the right to individual liberty and the interest of society. No right can be absolute, and reasonable restrictions can be placed on them. While it is true that one of the considerations in deciding whether to grant bail to an accused or not is whether he has been in jail for a long time, the court has also to take into consideration other facts and circumstances, such as the interest of the society."*

**17.** Further, looking to the facts and circumstances of the case and manner in which the accused persons have assaulted on child, woman and old age persons, in support of my opinion I relied on the decision reported in (2017) 5 Supreme courts case 406 in case of Virupakshappagouda and Another V/s State of Karnataka and Another, the Hon'ble Apex court held in the decision at para 13 to 16, which reads thus;

*13. The proposition expounded above, has to be accepted, but that has to be applied appositely to the facts of each case. A bail application cannot be allowed solely or exclusively on the ground that the fundamental principle of criminal jurisprudence is that the accused is presumed to be innocent till he is found guilty by the competent court. The learned trial Judge has also referred to the decision in Sanjay Chandra<sup>1</sup>,*



*wherein a two-Judge Bench while dealing with the bail applications, observed thus: (SCC p. 52, paras 21-23)*

*"21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the VIRUPAKSHAPPA GOUDA V. STATE OF KARNATAKA (Dipak Misra, J.)*

*accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.*

*22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, "necessity" is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper*



*with the witnesses if left at liberty, save in the most extraordinary circumstances.*

*23. Apart from the question of prevention being the object of refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as a mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson."*

*14. Be it noted, though the aforesaid passages from Sanjay Chandra case<sup>4</sup> have their relevance but the same cannot be made applicable in each and every case for grant of bail. In the said case, the appellant-accused was facing trial for the offences under Sections 120-B, 420, 468, 471 and 109 IPC and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988. Thus, the factual matrix was quite different. That apart, it depends upon the nature of the crime and the manner in which it is committed. A bail application is not to be entertained on the basis of certain observations made in a different context. There has to be application of mind and appreciation of the factual score and understanding of the pronouncements in the field.*



15. The court has to keep in mind what has been stated in *Chaman Lal v. State of U.P.*<sup>7</sup> The requisite factors are: (i) the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence; (ii) reasonable apprehension of tampering with the witness or apprehension of threat to the complainant; and (iii) *prima facie* satisfaction of the court in support of the charge. In *Prasanta Kumar Sarkar v. Ashis Chatterjees*, it has been opined that while exercising the power for grant of bail, the court has to keep in mind certain circumstances and factors. We may usefully reproduce the said passage: (SCC p. 499, para 9)

“9.... mind while considering an application for bail are: among other circumstances, the factors which are to be borne in mind while considering an application for bail are :

- (1) whether there is any *prima facie* or reasonable ground to believe that the accused had committed the offence;
- (ii) nature and gravity of the accusation;
- (iii) severity of the punishment in the event of conviction;
- (iv) danger of the accused absconding or fleeing, if released on bail;
- (v) character, behaviour, means, position and standing of the accused;
- (vi) likelihood of the offence being repeated;
- (vii) reasonable apprehension of the witnesses being influenced;



*and (viii) danger, of course, of justice being thwarted by grant of bail."*

*16. In CBI v. V. Vijay Sai Reddy, the Court had reiterated the principle by observing thus: (SCC p. 465, para 34)*

*"34. While granting bail, the court has to keep in mind the nature of accusation, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations. It has also to be kept in mind that for the purpose of granting bail, the legislature has used the words "reasonable grounds for believing" instead of "the evidence" which means the court dealing with the grant of bail can only satisfy itself as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not expected, at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt."*

**18.** Thus, at this stage, when investigation is going on in respect of such a heinous offence, looking to the facts of



the case, if accused is released on bail, there is every chance of giving threat to the injured persons and they family members, there is even chance of repeatation of crime on same injured by the same accused persons, looking to the manner in which the accused committed offence against child, woman and old age man, I am of the opinion that, at this stage, the petitioners are not entitle for the bail, Hence the petition is liable to be dismissed. Hence I answer this point in the **Negative.**

**19. 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 petitioners/accused No.4, 9, 17

and 28 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 27<sup>th</sup> day of June - 2026)

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