

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF APRIL 2020

BEFORE

THE HON'BLE MRS. JUSTICE K.S.MUDAGAL

CRIMINAL PETITION No.2202/2020

BETWEEN:

1. YOGESH NAIKA
S/O CHANDRANAIKA
AGED ABOUT 28 YEARS
2. ANANDA
S/O RAMA BHOVI
AGED ABOUT 36 YEARS
3. DINU @ R.D.DINESH
S/O RAJANAIIKA @
ARASIKERE RAJANAIIKA
AGED ABOUT 22 YEARS
4. SHANTHAKUMAR
S/O GURUMURTHY
AGED ABOUT 35 YEARS

ALL ARE R/AT
Y.RANGENAHALLI VILLAGE
EMMEDODDI POST
BIRUR HOBLI
KADUR TALUK
CHIKKAMAGALUR DISTRICT-577 548 ...PETITIONERS

(BY SRI PRAKASHA.H.C. ADVOCATE)

AND:

STATE OF KARNATAKA
BY KADUR RANGE FOREST OFFICER
KADUR, CHIKKAMAGALUR DISTRICT
REP. BY STATE PUBLIC PROSECUTOR

HIGH COURT OF KARNATAKA
BENGALURU- 560 001

...RESPONDENT

(BY SRI VINAYAKA.V.S, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 438 OF CR.P.C. PRAYING TO ENLARGE THE PETITIONERS ON BAIL IN THE EVENT OF THEIR ARREST BY RANGE FOREST OFFICER, KADUR IN CONNECTION WITH KDR, FOC NO.25/2019-20 OF KADUR RANGE FOREST DEPARTMENT REGISTERED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 2, 9, 39, 44, 48A, 49A, 50, 52 READ WITH SECTION 51 AND 55 OF THE WILDLIFE (PROTECTION) ACT, 1972.

THIS CRIMINAL PETITION COMING ON FOR ORDERS THIS DAY, THE COURT **THROUGH VIDEO CONFERENCE** MADE THE FOLLOWING:

ORDER

Learned High Court Government Pleader accepts notice for the respondent.

2. Heard. Apprehending their arrest in KDR FOC No.25/2019-20 of Kadur Range Forest Department, the petitioners have filed this petition seeking anticipatory bail.

3. It is alleged that the petitioners hunted male Sambar Deer in Yemmedoddi reserve forest area. It is alleged that when they were trying to transport the meat of the male Sambar Deer, the same was seized

from them. It is alleged that the petitioners are guilty of offences punishable under Section 51 and 52 of the Wildlife (Protection) Act, 1972.

4. The major offence alleged against the petitioners carries imprisonment upto seven years. The subject matter of the offences is already recovered. The petitioners are permanent residents of Rangenahalli village. Under the circumstances, it is fit case to grant anticipatory bail to the petitioners with suitable conditions. Therefore, the petition is allowed.

The petitioners are granted anticipatory bail in KDR FOC No.25/2019-20 of Kadur Range Forest Department. If they are arrested in the said case, they shall be released on bail subject to the following conditions:

- (i) Petitioners shall appear before the Investigating Officer within one week from the date of exiting of the declared lock down or within one month whichever is earlier.
- (ii) Petitioners shall execute personal bonds in a sum of Rs.50,000/- each and furnish two

sureties in the likesum to the satisfaction of the Investigating Officer/Jurisdictional Court for their appearance.

(iii) Petitioners shall not tamper the prosecution witnesses by threats, inducement or otherwise.

(iv) Petitioners shall appear before the Investigating Officer/Court as and when required for the purpose of investigation/trial.

In view of disposal of the petition, I.A.No.1/2020 stood disposed of.

Registry shall communicate this order to the jurisdictional Court.

**Sd/-
JUDGE**

KSR