

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30th DAY OF NOVEMBER, 2020

BEFORE

THE HON'BLE MR.JUSTICE B.A.PATIL

CRIMINAL PETITION NO.7027/2020

BETWEEN :

Basavaiah
S/o late Nirvanaiah
Aged about 50 years
Coolie, Halasumane Village and Post,
Vasthare Hobli, Chikkamagaluru Taluk
Chikkamagaluru District-577 101.

... Petitioner

(By Sri Girish B. Baladare, Advocate)

AND :

State by Aldur Police Station
Chikkamagaluru District
Represented by State Public Prosecutor
High Court Building
Bengaluru-560 001.

... Respondent

(By Sri Mahesh Shetty, HCGP)

This Criminal Petition is filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.157/2020 of Aldur Police Station, Chikkamagaluru, for the offences punishable under Sections 379 and 411 of IPC and Sections 86 and 87 of Karnataka Forest Act.

This Criminal Petition coming on for orders '**through Video Conference**' this day, the Court made the following:-

ORDER

Office objections are over-ruled

This petition is filed by accused No.3 under Section 439 of Cr.P.C. to release him on bail in Crime No.157/2020 of Aldur Police Station for the offences punishable under Sections, 379, 411 of IPC and Sections 86 and 87 of Karnataka Forest Act.

2. I have heard Sri Girish Baladare, learned counsel for the petitioner-accused No.3 virtually and Sri Mahesh Shetty, the learned HCGP for the respondent-State.

3. A *suo moto* complaint has been registered on 24.10.2020 alleging that at about 6.00 a.m., they received a credible information that 3 to 4 persons were illegally cutting the sandal wood tree in the land belonging to one Devaraju. Immediately they went there and noticed that four persons were cutting the sandal wood tree. By seeing the police, they tried to escape.

However, accused Nos.2, 3 and 4 were apprehended and accused No.1 Manjunatha escaped from the spot. They seized 8 to 10 kgs. of sandal wood and on the basis of the said complaint, a case has been registered.

4. It is the submission of the learned counsel for the petitioner-accused No.3 that petitioner-accused No.3 is nothing to do with the alleged crime and the main allegations are as against accused No1 and the petitioner-accused No.3 was working and cutting the tree. As he was only the hired labourer, without there being any knowledge or intention as per the instructions of accused No.1 he was cutting the tree. It is his further submission that the alleged offences are not punishable with death or imprisonment of life. On these grounds, he prayed to allow the petition.

5. Though the petition has been seriously contested by the learned HCGP that investigation is yet to be completed and the petitioner-accused No.3 is required for the purpose of investigation and interrogation, on close

reading of the contents of the complaint it indicates that accused No.1 has taken the petitioner-accused No.3 to the land of one Devaraju and when the petitioner-accused No.3 was cutting the tree, police have apprehended him. The alleged offences are not punishable with death or imprisonment for life. By imposing some stringent conditions, if the petitioner-accused No.3 is released on bail, it would meet the ends of justice.

Accordingly, the petition is ***allowed*** and accused No.3-petitioner herein is enlarged on bail in Crime No.157/2020 of Aldur Police Station for the offences punishable under Sections, 379, 411 of IPC and Sections 86 and 87 of Karnataka Forest Act, subject to the following conditions:-

- i) *Petitioner-accused No.3 shall execute a personal bond for Rs.2,00,000/- (Rupees two Lakhs only) with two sureties for the like sum to the satisfaction of the trial Court.*

- ii) *He shall be regular in appearing before the trial Court till the trial is completed, failing which the bail is liable to be cancelled..*
- iii) *He shall not tamper with the prosecution evidence in any manner.*
- iv) *He shall mark his attendance before the jurisdictional police once in a month between 10.00 a.m. and 5.00 p.m. till the trial is concluded.*
- v) *He shall not leave the jurisdiction of the trial Court without prior permission.*
- vi) *He shall not indulge in similar type of activities .*
- vii) *If he violates any one of the conditions, the bail is liable to be cancelled.*

Sd/-
JUDGE

*ck/-