



**IN THE HIGH COURT OF KARNATAKA,
DHARWAD BENCH**

DATED THIS THE 27TH DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL PETITION NO. 103757 OF 2024
[438 (Cr.PC) / 482 (BNSS)]

BETWEEN:

SRI. ABDUL ALEEM JABALI S/O. SALAUDDIN JABALI
AGE: 25 YEARS, OCC: COOLIE,
R/O. MUGALIHONDA, PURAVARGA, YELAVADIKAVUR,
BHATKAL TALUK, DIST: UTTARA KANNADA-581320.

... PETITIONER

(BY SRI. P.G.CHIKKANARAGUND, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPUTY RANGE FOREST OFFICER,
BELKE SECTION, BHATKAL TALUK,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING, DHARWAD-580011.
2. SRI. ISHWAR GOUDA
AGE: 45 YEARS, DEPUTY RANGE FOREST OFFICER,
BELKE SECTION, BHATKAL RANGE,
BHATKAL TALUK, UTTAR KANNADA,
REP. BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING, DHARWAD-580011.

... RESPONDENTS

(BY SRI. ASHIK KATTIMANI, ADDL. GOVT. ADV. FOR R1 & R2)



THIS CRIMINAL PETITION IS FILED U/SEC. 438 OF CR.P.C. (U/SEC. 482 OF BNSS, 2023) SEEKING TO ENLARGE THE PETITIONER/ACCUSED ON ANTICIPATORY BAIL FOR THE OFFENCE P/U/SEC. 2(16, 20), 9, 39, 48A, OF WLP ACT 1972 (WILD PROTECTION ACT 1972) R/W SEC. 51 AND 24 c(ii) AND 24(j) OF KARNATAKA FOREST ACT 1963 IN WLOR NO. 3/2024-25 DATED 11.10.2024 ON THE FILE OF MAGISTRATE FIRST CLASS AND CIVIL JUDGE, (JR.DN) BHATKAL.

THIS CRIMINAL PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE G BASAVARAJA)

1. Learned AGA accepts notice for respondent Nos.1 and 2.
2. This criminal petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 438 of Cr.P.C.).
3. The Deputy Range Forest Officer has registered a case against the absconding accused for the offences punishable under Sections 2(16, 20) 9, 39, 48A of Wild Life Protection Act, 1972 read with Sections 51 and 24c(ii), 24(j) of the Karnataka Forest Act, 1963.



4. It is the case of the prosecution that the complaint came to be lodged against the unknown person stating that in reserve forest area of Belki Forest, hunting of Sambar Deer and transportation of meat.

5. Learned counsel for the petitioner would submit that FIR does not disclose the name of this accused. Subsequently on 12.10.2024, the Deputy Range Forest Officer submitted a report to the jurisdictional Magistrate stating that 20 packets of Sambar deer raw meat of total weight 20 kgs and name of this petitioner is shown as absconding. Whether 20 kgs of meat has been seized from the possession of this accused has not been explained by the Investigating Officer. As per this report, the said petitioner is absconding. Therefore, the question of seizure of the meat from the possession of the petitioner does not arise and the offences laid are triable by the Magistrate. He further submits that the accused is ready to abide by any conditions imposed by this Court and prays for allowing of this petition.



6. A perusal of the materials placed before this Court, it is clear that the concerned Deputy Range Forest Officer has registered the case against the unknown person. However, on 12.10.2024, the Investigating Officer submitted a report to the jurisdictional Magistrate, Bhatkal contending that he has seized 20 packets of sambar deer raw meat of total weight 20 kgs and shown the name of the accused as Abdul Aleem Jabali S/o. Salauddin Jabali (Absconding) and another name Mudassir Ahmed Motiya S/o. Mahammed Ajmal Motiya. As per this report, the Investigating Officer has not explained as to whether he has seized the Sambar deer meat from the possession of the petitioner or from the possession of another accused i.e., Mudassir Ahmed Motiya S/o. Mahammed Ajmal Motiya. The Investigating Officer has shown the name of the present petitioner as absconding. The alleged offences are exclusively triable by the Magistrate and not punishable with death or imprisonment for life.



7. Considering the nature and gravity of the offences, antecedents of the petitioner, the petitioner is entitled for anticipatory bail and accordingly, I proceed to pass the following:

ORDER

- (i) The petition is allowed. The petitioner / accused shall be released on bail in the event of his arrest for the offences punishable under Sections 2(16, 20) 9, 39, 48A of Wild Life Protection Act, 1972 read with Section 51 and 24c(ii), 24(j) of the Karnataka Forest Act, 1963 in connection with WLOR No.03/2024-25, dated 11.10.2024 on the file of learned Magistrate First Class and Civil Judge (Jr.Dn.), Bhatkal by the Deputy Range Forest Officer, Belki Section on executing a self bond of Rs.50,000/- with one surety for likesum.
- (ii) The petitioner / accused shall make himself available for the purpose of investigation as and when required and he shall co-operate with the investigation.



- (iii) The petitioner / accused shall furnish his residential address proof and shall inform the investigating officer / Court if there is any change in the address.
- (iv) The petitioner / accused shall not tamper with the prosecution witnesses either directly or indirectly.
- (v) The petitioner / accused shall not indulge in any criminal activities.

Hand delivery of copy of this order is permitted.

Sd/-
(G BASAVARAJA)
JUDGE

Vnp / Ct: vh
List No.: 1 SI No.: 35