



**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. 103855 OF 2024
(438(Cr.PC)/482(BNSS))**

BETWEEN:

1. SRI. BASU @ BASAVARAJ S/O. UMESH ANEGUNDI,
AGE: 22 YEARS, OCC: STUDENT,
R/O. ARALIKATTI, TQ: MUDHOL,
DIST: BAGALKOT-587301.
2. SRI. SHRISHAIL S/O. SIDDAPPA KAPARATTI,
AGE: 21 YEARS, OCC: STUDENT,
R/O. BUDNI K.D., TQ: MUDHOL,
DIST: BAGALKOT-587203.

- PETITIONERS

(BY SRI. SHIVANAND MALASHETTI, ADVOCATE)

AND:

THE STATE OF KARNATAKA
THROUGH THE REGIONAL FOREST OFFICER,
MUDHOL REGION, TQ: MUDHOL,
DIST: BAGALKOT, NOW REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA, DHARWAD-580011.

- RESPONDENT

(BY SRI. KEERTILATA R.PATIL, HCGP)

THIS CRIMINAL PETITION IS FILED U/S 438 OF CR.P.C. (482 OF BNSS), SEEKING TO GRANT ANTICIPATORY BAIL IN FAVOUR OF THE PETITIONERS/ACCUSED NO.1 AND 2 IN THE EVENT OF THEIR ARREST IN RESPECT OF WLOR NO.01/2024-25 THE REGIONAL FOREST OFFICE, MUDHOL REGION REGISTERED FOR THE ALLEGED OFFENCES PUNISHABLE U/S 9, 39, 49, 50, 51 OF WILDLIFE PROTECTION ACT, 1972 & ETC.

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)

Learned HCGP is directed to take notice for the respondent-State.

2. Heard learned counsel for the petitioners and perused the petition papers.

3. The petitioners have filed petition u/S 482 of Bharatiya Nyaya Suraksha Sanhita, 2023 (for short 'BNSS') for grant of anticipatory bail in Crime No. WLOR 01/2024-25 of Mudol Range Forest Office for the offence punishable u/S 9, 39, 49, 50 and 51 of the Wildlife Protection Act, 1972.

4. Learned counsel for the petitioners would submit that accused are innocent persons and they have not committed any offences as alleged in the complaint. The complaint is received on 29.09.2024 and the same is registered on 02.10.2024. No satisfactory reasons are assigned in the entire complaint. The alleged offences are



not punishable either with death or life imprisonment and are exclusively triable by the Court of Magistrate. In column no. 8 of the complaint it is stated that there is no seized properties. On all these grounds sought for allowing this petition.

5. The learned HCGP would submit that there are sufficient materials to attract alleged offence. The accused are required for investigation. On all these grounds sought for dismissal of the petition.

6. I have perused the records. It is alleged by the prosecution that the DFO of Mudhol range was in office on 29/09/2024, received an information about hunting of prohibited wild animal i.e. porcupines (lb), within the limit of Lokapur Forest Range. The said information was received through a forest helpline ticket No. 15605. That immediately after received the information the case was registered as WLOR No. 01/2024-25 against the petitioners alleging that the instant petitioners indulged in killing/hunting of porcupines and posted the photos in the



mobile WhatsApp status with a derogatory line. Hence the forest officer has filed case against petitioners on 02/10/2024.

6. The alleged offences are not punishable either with death or life imprisonment and exclusively triable by the Court of Magistrate.

7. Considering the nature and gravity of offences and antecedents of the accused persons who are students, it is just and proper to allow the petition in the interest of justice. Hence, I proceed to pass the following order.

ORDER

- (i) Petition filed by the petitioners is allowed.
- (ii) Petitioners/accused shall be released on bail in the event of their arrest in Crime No. WLOR 01/2024-25 of Mudol Range Forest Office for the offence punishable u/S 9, 39, 49, 50 and 51 of the Wildlife Protection Act, 1972 on their executing self bond of Rs.50,000/- each with one surety for the likesum.



(iii) The petitioners / accused shall make themselves available for the purpose of investigation as and when required and he shall co-operate with the investigation.

(iv) The petitioners / accused shall furnish their residential address proof and shall inform the investigating officer / Court if there is any change in the address.

(v) The petitioners / accused shall not tamper with the prosecution witnesses either directly or indirectly.

(vi) The petitioners / accused shall not indulge in any criminal activities.

At the request of the petitioners' counsel, office is directed to issue certified copy of the order by hand.

Sd/-
(G BASAVARAJA)
JUDGE

BVV
Ct:vh
List No.: SI No.: