



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO. 7608 OF 2026 (438(Cr.PC) /
482(BNSS))

BETWEEN:

1. KIRAN
S/O LATE SOMASHEKAR,
AGED ABOUT 29 YEARS,
R/AT SHANTI NAGARA,
BEHIND JYOTHI THEATER,
CHIKKAMAGALURU TALUK,
CHIKKAMAGALURU DISTRICT.

...PETITIONER

(BY SRI. PRASHANTH M., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP BY BASAVANAHALLI P.S
CHIKKAMAGALURU DISTRICT,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT COMPLEX,
BENGALURU -560001.
2. NIVEDITHA BHARADWAJ
D/O UMADEVI C K
AGED ABOUT 35 YEARS,
R/AT RAJU KSHATRIYA ADVOCATE,
BENAKA, N R ROAD, BASAVANAHALLI,
CHIKKAMAGALURU DISTRICT.

...RESPONDENTS

(BY SRI. M. DIVAKAR MADDU, HCGP FOR R1;
R2 - NIVEDITHA BHARADWAJ - SERVED)

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



THIS CRL.P IS FILED U/S 438 OF CR.PC (FILED U/S 482 BNNS) PRAYING TO ALLOW THIS CRIMINAL PETITION AND ENLARGE THE PETITIONER ON ANTICIPATORY BAIL IN THE EVENT OF HIS ARREST IN CRIME NO.114/2025 OF BASAVANAHALLI POLICE STATION CHIKKAMAGALURU NOW PENDING IN CC NO.358/2026 ON THE FILE OF THE II ADDL.CIVIL JUDGE AND JMFC CHIKKAMAGALURU FOR THE OFFENCES P/U/S 303(2) OF BNS AND SECTION 86 AND 87 OF KARNATAKA FOREST ACT.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard learned counsel for the petitioner and also the learned counsel appearing for the respondent-State.

2. The factual matrix of the case of the prosecution is that on the midnight of 12.11.2025, between 01.00 a.m. to 03.00 a.m., the accused persons were cutting the sandalwood. When neighbours screamed at the spot, they ran away, jumping over the compound



wall, and based on this information, the complainant lodged a complaint.

3. Initially, FIR was registered against unknown persons. Thereafter case was investigated and the petitioner herein was arrayed as accused No.3 based on the statement of a co-accused.

4. The learned counsel would submit that this petitioner was not involved in the alleged offence and was implicated solely on the basis of the statement of a co-accused and no recovery at the instance of this petitioner and recovery is made at the instance of other accused. The learned counsel further submits that other accused have already been enlarged on bail.

5. Per contra, learned counsel appearing for the respondent-State would submit that this petitioner was also involved in the act, arriving on a motorcycle alongside the other accused and all of them have joined in committing the offence of cutting the sandalwood tree.



6. Having heard the learned counsel for the petitioner and also the learned counsel for the respondent-State, It is noted that the initial complaint was lodged by the property owner based on the information provided by neighbours, and the case was registered against the unknown persons. Thereafter, investigation was conducted and based on the statement of the co-accused the petitioner herein was implicated as accused No.3. Further, no recovery was made at the instance of this petitioner and according to the prosecution all recoveries were made at the instance of other accused and no other criminal antecedents.

7. Having taken note of these factual aspects into consideration, and given the circumstances of the case on hand, it is appropriate to enlarge the petitioner-accused on bail in the event of his arrest by the Investigating Officer (IO).



ORDER

The petition is allowed. Consequently, the petitioner shall be released on bail in the event of his arrest in connection with Crime No.114/2025 registered by Basavanahalli Police Station, Chikkamagaluru for the offences punishable under Sections 329(3) and 303(2) of the Bharatiya Nyaya Sanhita, 2023, and Sections 84, 85 and 86 of the Karnataka Forest Act, 1963, subject to the following conditions:-

- (i) The petitioner shall surrender himself before the Investigating Officer within ten days from the date of receipt of a certified copy of this order and shall execute a personal bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with one surety for the like-sum to the satisfaction of the concerned Investigating Officer.
- (ii) The petitioner shall not indulge in tampering the prosecution witnesses and co-operate for investigation and appear whenever he is called upon.



- (iii) The petitioner shall not leave the jurisdiction of the Court without prior permission till the disposal of the case.

Sd/-
(H.P.SANDESH)
JUDGE

DS
List No.: 1 Sl No.: 5