



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF MAY, 2024

BEFORE

THE HON'BLE MR JUSTICE S RACHAIAH

CRIMINAL PETITION NO. 4323 OF 2024

BETWEEN:

1. SANNASWAMY @ THIMNEGOWDA,
S/O SANNEGOWDA @ LAKKEGOWDA,
AGED ABOUT 58 YEARS,
R/O BALEHALLI,
HOSPETE VILLAGE,
HANDI POST, ALDUR HOBLI,
CHIKKAMAGALURU TALUK - 577 101.
2. MANJUNATHA @ V R DEVE GOWDA,
S/O RANGE GOWDA,
AGED ABOUT 65 YEARS,
R/O BALEHALLI,
HOSPETE VILLAGE,
HANDI POST,
ALDUR HOBLI,
CHIKKAMAGALURU TALUK - 577 101.
3. ANJANEYA @ ANJANI,
S/O DURGAPPA,
AGED ABOUT 23 YEARS,
R/O BEHIND KAVERI SAW MILL,
KEMPANAHALLI,
CHIKKAMAGALURU CITY - 577 101.





4. OMKARA,
S/O RAJAPPA,
AGED ABOUT 24 YEARS,
R/O BEHIND SAHARA SHADI MAHAL,
MALLANDUR ROAD,
KALLUDODDI,
CHIKKAMAGALURU CITY - 577 101.

...PETITIONERS

(BY SRI. GIRISH B BALADARE, ADVOCATE)

AND:

STATE BY
ALDUR POLICE STATION,
CHIKKAMAGALURU,
CHIKKAMAGALURU DISTRICT - 577 101,

REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BANGALORE - 560 001

...RESPONDENT

(BY SMT. SOWMYA R., HCGP)

THIS CRL.P IS FILED U/S 439 OF CR.PC PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.39/2024 OF ALDUR POLICE STATION, CHIKKAMAGALURU FOR THE OFFENCE P/U/S 379 OF IPC AND SEC. 86 AND 87 OF KARNATAKA FOREST ACT, PENDING ON THE FILE OF THE PRINCIPAL CIVIL JUDGE (JR.DN.) AND J.M.F.C., CHIKKAMAGALURU.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
THE COURT MADE THE FOLLOWING:



ORDER

1. Petitioners - accused Nos.1 to 4 are before this Court seeking grant of bail under Section 439 of Cr.P.C., in Crime No.39/2024 of Aldur Police Station, registered for the offence punishable under Section 379 of IPC and Sections 86 and 87 of Karnataka Forest Act, 1963, on the basis of the first information lodged by the complainant - Smt. Akshitha K.P.

2. Heard Sri.Girish B. Baladare, learned counsel appearing for the petitioners and Smt.Sowmya R., learned High Court Government Pleader appearing for the State.

3. It is the case of the prosecution that on credible information having been received by the complainant on 24.03.2024 at about 3.45 p.m, he went along with his staffs and panchas near the coffee estate of Manjunatha and found that four persons were cutting the sandalwood trees which were grown in the said estate. On seeing the complainant and his staffs, the said persons tried to run away from the spot, however, they have been apprehended by the complainant and his staffs. Further, it is stated in the complaint that the four accused persons were cutting the sandalwood trees without



having any valid permit or license which is mandatory under the Act. Therefore, the trees were seized and they have been weighed by using the weighing scale. The seized trees were weighing 18 to 20 kgs and its worth is of Rs.1,20,000/-. A case has been registered against the accused in Crime No.39/2024 for offences punishable under Section 379 of IPC read with Sections 86 and 87 of Karnataka Forest Act, 1963.

4. It is the submission of the learned counsel for the petitioners that the petitioners are coolie workers and they have been falsely implicated in this case and they are innocent of the alleged offences. The alleged act of cutting the sandalwood trees is baseless and false and moreover, the estate owner namely, Manjunath has not filed any complaint regarding alleged cutting of sandalwood trees.

5. It is further submitted that the petitioners being coolie workers, they are living by doing coolie works at different estates in and around Chikkamagaluru. The entire family is depending on their income. They would abide by the condition imposed by this Court, in the event of their release on bail. It is further submitted that the alleged offences are neither



punishable with death nor imprisonment for life. Therefore, their applications may be considered and they may be enlarged on bail. Making such submission, the learned counsel for petitioners prays to allow the petition.

6. Per contra, Smt. Sowmya R., learned HCGP for State vehemently opposed the bail application and submits that accused Nos.1, 2 and 4 are the petitioners herein stated to be the associates of accused No.3. Accused No.3 had previous history of committing similar offences and a case is pending against accused No.3 for adjudication. When accused No.3 is on bail, he formed an association with the accused Nos.1, 2 and 4 and committed the similar offence. Therefore, it is not appropriate to grant them bail.

7. It is further submitted that incase, the petitioners are enlarged on bail, there may be chances of committing similar offences and there may be likelihood of absconding. Since the alleged offence has been committed against the State, it is not appropriate to grant bail to the petitioners. Having submitted thus, the learned HCGP prays to dismiss the petition.



8. Having heard learned counsels for the respective parties and also perused the averments of the complaint, it appears that the complainant after receiving the credible information went to the spot along with his staffs and panchas and found that the petitioners were cutting the sandalwood trees which were grown in the estate of Manjunath.

9. The complainant apprehended the accused and seized the sandalwood trees which were cut by the petitioners and those trees have been weighed and found that 18 to 20 kgs of sandalwood trees have been cut by the petitioners. According to the complainant, the said trees are worth of Rs.1,20,000/-.

10. As per the submission of the learned HCGP, accused No.3 being a petitioner No.3 in this case is a habitual offender and a similar case had been registered against him and he was on bail. The contention of the learned HCGP has not been uncontroverted by the learned counsel for the petitioners. Therefore, the bail in respect of accused No.3 has to be rejected on this ground.



11. As regards other accused are concerned, according to the learned counsel for the petitioners, they are the coolie workers and their families are depending on their income. Moreover, the estate owner where the petitioners alleged to have cut the trees has not filed any complaint nor his statement has been recorded to substantiate the act of the petitioners.

12. Considering the nature of offence and its prescribed punishment, it is appropriate to grant bail by imposing suitable conditions which would take care of the apprehension of the prosecution. Merely because one of the accused has been involved in the similar offences cannot be a ground to reject the bail application of other accused, provided they are not the habitual offenders and the alleged offences are neither punishable with death nor imprisonment for life.

13. In the light of the observations made above, I proceed to pass the following:

ORDER

The petition is allowed in-part.



Petitioner Nos.1, 2 and 4 are ordered to be enlarged on bail in Crime No.39/2024 of Aldur Police Station, Chikkamagaluru on obtaining the personal bond in a sum of Rs.1,00,000/- (Rupees One Lakh only) each with one surety each for the like sum to the satisfaction of the jurisdictional Court, subject to the following conditions:

- a) Petitioner Nos.1, 2 and 4 shall not indulge in any similar offences, till disposal of this case.
- b) Petitioner Nos.1, 2 and 4 shall appear before the Investigating Officer on fortnightly basis, especially, on Saturday between 10 a.m. to 2 p.m., till filing of the charge sheet.
- c) Petitioner Nos.1, 2 and 4 shall not leave the jurisdiction of the Court, till disposal of the case.
- d) Petitioner Nos.1, 2 and 4 shall not threaten or tamper the prosecution witnesses.
- e) The petitioner No.3/accused No.3 is not entitled for bail, hence, the bail in respect of accused No.3 has been rejected.

Sd/-
JUDGE