

KABG420008692026



**IN THE COURT OF VII ADDL. DISTRICT AND SESSIONS
JUDGE, BELAGAVI SITTING AT CHIKODI.**

:: PRESENT ::

SRI. VIJAY KUMAR, B.Sc.,L.L.B,
VII Addl. District & Sessions Judge,
Belagavi sitting at Chikodi.

Dated this the day of 09th June, 2026

Crl. Misc.No.5283/2026

PETITIONERS:

- 1) Sidram S/o. Basagouda Koli,
Aged 40 years, Occ: Agriculture,
- 2) Lagamanna S/o. Appasab Koli,
Aged: 56 years, Occ: Agriculture,
- 3) Bhimanna S/o. Vittal Nagoud,
Aged: 28 years, Occ: Agriculture,

All the above are R/o: Nidagundi village,
Taluk: Raibag, Dist: Belagavi.
(Accused Nos. 1 to 3 as per FIR)

[By: Sri. I. B. Rajgoli, Advocate]

-V/s-

RESPONDENT:

State by: **Raibag P.S.**

[By: Public Prosecutor]

**ORDERS ON ANTICIPATORY BAIL PETITION FILED BY
THE PETITIONERS/ ACCUSED U/S 482 OF BNSS, 2023.**

This bail petition filed U/Sec.482 of BNSS by accused No.1, 2 and 3 praying to enlarge them on anticipatory bail in Crime No. 335/2025 registered at Raibag Police Station for the offence punishable U/Sec. 86, 87 of Karnataka Forest Act and Sec. 303(2) of BNS.

2. The brief facts of the prosecution case as under:-

That on 17.12.2025 at 11.45 pm in the land bearing Sy.No. 92/4 belongs to accused No.1 of Nidagundi village, accused No.1 to 3 illegally cut and remove the sandal wood trees and transported four sandal wood billets by using motor cycle and kept the same inside the house of accused No.1 for the purpose of selling. The value of the said sandalwood billets is about Rs. 40,000/-. After receiving credible information, the complainant police formed raiding team and secured two panchas and on the same day team proceeded to accused No.1 house. Upon reaching the house, team noticed that one person stood in front of said house with a motorcycle, who is

accused No.3 herein. The accused No.3 on inquiry discloses the fact that on the instructions of accused No.1 he cut the sandalwood trees and kept in the house of accused No.1. Then police team conducted raid and seized four sandalwood billets under panchanama, since the accused persons not having possessed valid permit or authorization to retain sandalwood billets. Thereafter complainant who is police inspector of Raibag police station lodged a complaint and registered FIR and also reported the seized properties to the jurisdictional magistrate under PF No.263/2025 wherein he seeking permission to hand over the sandalwood billets to the forest department. Accordingly magistrate permitted to transfer the same.

3. The accused No.1 to 3 filed this bail petition seeking anticipatory bail on the ground that they are innocent and not committed any offences as alleged. At no point of time they fell sandalwood trees and kept in the shed belongs to accused No.1. Alleged offences are not punishable with death or life imprisonment. Police already seized the alleged

sandalwood billets under panchanama, therefore they are now required for custodial interrogation. They undertaken to co-operate the investigation. On these grounds they have prayed to allow the petition.

4. On the other hand learned public prosecutor filed objections wherein he has reiterated the complaint averments. Learned public prosecutor argued that petitioners are habitual offender and involved in the forest offences. Accused persons by cutting sandalwood trees has been caused loss to the said exchequer. If they are released on bail, they may commit similar offences and may flee away from justice. On these grounds learned public prosecutor prayed to reject the bail petition.

5. Heard arguments on both sides. The following points that arise for my consideration;-

1. Whether the petitioners/accused No.1 to 3 have made out grounds to grant anticipatory bail?
2. What order?

6. My answers to the above points are as follows:

Point No.1:-In the affirmative,

Point No.2:-As per my final order:

-: REASONS :-

7. **Point No.1:-** The Raibag police have registered a case in Cr.No. 335/2025 against the accused for the alleged offense punishable U/Sec. 86 and 87 of Karnataka Forest Act and Sec. 303(2) of BNS.

8. The complaint averments clearly discloses that accused No.1 to 3 on 17-12-2025 cut and removed the sandalwood trees in the land belongs to accused No.1 without prior permission of the Forest Department and said act of the accused persons clearly attract the offence U/Sec. 86 and 87 of Karnataka Forest Act. On perusal of materials available on record it appears that on the same day police inspector of Raibag seized four pieces of sandalwood billets from the possession of accused No.1 where he was kept in his house. As per the contents of FIR accused No.1 to 3 have committed theft of sandalwood trees from the land belongs to accused No.1. Sec. 104(d) of the Karnataka Forest Act is a

special provision regulating bail matters in respect of an offence under Karnataka Forest Act. As per said Section the accused seeking bail for the offence U/Sec. 86 and 87 of Karnataka Forest Act they have to satisfy the court with their reasonable grounds for believing that they are not guilty of the said offences. In the instant case accused No.1 to 3 cut and removed the sandalwood trees and kept in the house of accused No.1 with having knowledge and conscious of possession of sandalwood billets, which are assets of the state. Therefore there is a prima-facie case against the accused persons of the offences U/Sec. 87 of Karnataka Forest Act. A perusal of complaint and seizure panchanama reveals that police inspector seized the sandalwood billets from the possession of accused No.1 in his house.

9. Learned Counsel for accused argued that the IO not complied the provisions of Sec. 62(3) and 71(A) of Karnataka Forest Act and it mandates that every officer seizing any property under these sections shall make a report of such seizure to the Assistant Conservative of Forest. In

this case police inspector has not submitted his report to the Assistant Conservator of Forest and therefore investigation officer has not complied the mandatory requirement of Sec. 62(3) and 71(A) of the Act. In support of his contention he relied on the judgments of Hon'ble High Court of Karnataka in Crl. Pet. No 101022/2021, Crl. Pet. No.101709/2025 and Crl. Pet. No.102370/2025.

10. It is well established principles of law that while considering bail application, court has to satisfy the nature of the offence, circumstances in which offence is committed, position and status of the accused persons, likelihood of accused fleeing away from justice and tampering the witnesses and criminal antecedents of the accused. In the present case there is no criminal antecedents against the accused persons and they are permanent residents of the address mentioned in the petition, they have undertaken to co-operate the investigation. Since from last six months investigating officer not secured the accused persons by issuing notice U/Sec. 35(3) of BNSS, even though in the

presence of accused No.1 to 3 the IO seized sandalwood billets. While disposing of the bail petition, court need not discuss the merits of the prosecution case. Keeping these factors in mind it is a fit case to exercise discretionary power to grant bail to the accused persons. Hence, I answer the point no.1 in the affirmative.

11. Point No.2: For the reasons given to point No.1, I proceed to pass the following:-

ORDER

The bail petition filed by the petitioners/ Accused No.1 to 3 U/Sec. 482 of BNSS is allowed.

The respondent police is directed to release the petitioners/accused No.1 to 3 in the event of their arrest in Crime No.335/2025 registered by Raibag police for the offence punishable U/Sec. 86, 87 of Karnataka Forest Act and Sec. 303(2) of BNS on executing personal bond of Rs.50,000/- each with one surety for like sum to the satisfaction of the investigation officer/ Jurisdictional court with the following conditions;

1. The petitioners shall appear before the investigation officer within 30 days from the date of this order to execute bail bond.
2. They shall regularly appear before the court during the trial without fail unless exempted by court for valid reason.
3. They shall not directly or indirectly tamper the prosecution witnesses.
4. They shall co-operate with the Investigation Officer and appear before them whenever called upon.
5. The petitioners shall not involve in similar offence in future.

If the petitioners fail to abide the conditions, the prosecution is at liberty to move for cancellation of bail.

(Dictated to the Stenographer, transcribed and typed by her, corrected by me and then pronounced in the open Court on this the 09th day of June, 2026)

(SRI. VIJAY KUMAR)

VII Addl. District and Sessions Judge,
Belagavi, sitting at Chikodi.