



**IN THE COURT OF I ADDITIONAL DISTRICT  
& SESSIONS JUDGE AT CHIKKAMAGALURU**

**Dated this the 7<sup>th</sup> day of March, 2026**

**:PRESENT:**

**Smt. Bhanumathi B.C., B.A.L., LL.B.,**  
I Addl. District and Sessions Judge,  
Chikkamagaluru

**Crl.Misc.No.124/2026**

Petitioner:

1. Prathap Naika,  
S/o Seva Naika,  
Aged about 27 years,  
R/at Tavaraghatta village,  
Shankaraghatta post,  
Bhadravathi Taluk,  
Shivamogga District.
2. Upendra Naika,  
S/o Chandya Naika,  
Aged about 29 years,  
R/at Tavaraghatta village,  
Shankaraghatta post,  
Bhadravathi Taluk,  
Shivamogga District.

(Represented by Sri.GSB, Adv)

V/s

Respondent:

State by RFO,  
Bhadra Wild Life,  
Lakkavalli.

(Represented by Public  
Prosecutor,Chikkamagaluru)



## **ORDER**

The petitioners, who are arraigned as accused No.5 and 6 in WLOR No.3/2024-25 on the file of RFO, Bhadra Wild Life, Lakkavalli have filed this petition under section 482 of Bharatiya Nagarika Suraksha Sanhita 2023 (hereinafter referred as 'BNSS' for the sake of brevity) for enlarging them on bail in the event of their arrest in the said case registered against them for the offences punishable under sections 2, 9, 27, 29, 31, 39, 50, 51, 55 and 57 of Wild Life Protection Act, 1972.

2. By reproducing and denying the allegations made in the FIR, it is stated by the petitioners that they are innocent and not committed any offence, but a false case has been registered against them. It is stated that they are not having any criminal antecedents, the accused No.1 might have committed the alleged offences, but a quarrel took place between accused No.1 and these petitioners who are the residents of same village during Ganesha Chaturthi festival and in the said backdrop, the accused No.1 who nurtured vengeance against these petitioners had falsely implicated them in the crime in question by taking their names. By registering the case against him, the respondent personnel are trying to arrest them and therefore, in anticipation of their arrest, the petitioners have come up with this petition seeking anticipatory bail.

3. The Public Prosecutor has resisted the above petition by filing statement of objection with report of the respondent. It is contended by the prosecution that the present petition is not maintainable. It is also contended that the material collected during



investigation as of now makes out a prima facie case against the petitioners. If at this stage, the petitioners are released on bail, they may flee from investigation and in turn, they may cause hindrance to the investigation. It is also contended that if the petitioners are released on anticipatory bail, they may tamper the prosecution witnesses and involve themselves in commission of similar offences. Inter-alia, on these grounds, the Public Prosecutor sought for rejecting the petition.

4. Heard arguments of both sides and perused record.

5. The points that arise for the consideration of this court are:

1. Whether the petitioners, who are arraigned as accused No.5 and 6 in WLOR No.3/2024-25 on the file of RFO, Bhadra Wild Life range has made out any ground to avail anticipatory bail in the said case?

2. What order ?

6. The answers to the above points are as under:

Point No.1: In Affirmative

Point No.2: As per final order  
for the following;

### **REASONS**

7. **Point No.1:-** As per the material placed on record, on 14.09.2024, when respondent personnel were on patrolling duty at Sy.No.37 of Byrapura village, Aldara reserve forest area, Bhadra back water at Hulimatti kovu forest, they found a skeleton of an elephant. A sample of a long bone and part of ribcage



of said skeleton were sent for DNA analysis to the Deputy Director, Advanced Institute for Wildlife Conservation, Chennai on 25.09.2024. As a hole was found on the head portion of the elephant, on 30.09.2024, its skull, mandible, vertebrae atlas were sent to FSL, Bengaluru for examination and in the report of the FSL dated 10.10.2024 it was opined that there is no evidence to prove that the hole marked as 1-H on the elephant skull was caused by gunshot. As some parts of the skeleton of elephant were found missing, a case was registered by the respondent police in WJOR No.3/2024-25 on 11.10.2024 against unknown persons for the offences punishable under sections 2, 9, 27, 29, 31, 39, 50, 51, 55 and 57 of Wild Life Protection Act.

8. It is the further alleged that on 25.02.2025 when the personnel of forest mobile squad, Belagavi were on patrolling duty, they found accused No.1 and 2 selling two tusks of elephant and a case was registered in their WJOR No.4/2025 on 25.02.2025. As the accused No.1 therein was the resident of Lakkavalli, said two tusks and the skeleton were sent to DNA analysis and in said DNA report, it was found that the skeleton and two tusks were of the same elephant. Thereafter the entire file in WJOR No.4/2025 along with 02 seized tusks were transferred to respondent range. On 10.02.2026, notice was issued to accused No.1 and 2 to appear before the investigating officer and accused No.1 gave statement before him by disclosing that when he and accused No.3 to 6 had been to Bhadra backwater to catch fish, they found a skeleton of an elephant at a distance of 4 k.m from Bhadra dam and with an intention to earn money, the accused No.3, 5 and 6 removed 02 tusks and accused No.1 and 4 kept watch



around the place.

9. The learned counsel for petitioners has contended that the petitioners are innocent of alleged offences, but they have been falsely implicated in the crime in question by the accused No.1 as he nurtured vengeance against them in the backdrop of a quarrel that took place between them during Ganesha Chaturthi festival.

10. As per the material placed on record, these petitioners were not found at the alleged place or at the time of respondents spotting the skeleton of an elephant. Further nothing has been seized from these petitioners as two tusks were said to have been seized at the instance of accused No.1 and 2 and the remaining skeleton of the elephant is said to have found at the spot. These petitioners were arrayed as accused on the basis of voluntary statement said to have been given by accused No.1. A perusal of objection filed by the prosecution and the report of investigating officer would disclose that the incriminating articles were already recovered and nothing remains to be seized from the petitioners and moreover it is not their case that these petitioners are having criminal antecedents. Further though the offences alleged against the petitioners are non-bailable in nature, the same are not punishable with death or imprisonment for life.

11. Further, it is not the case of prosecution that the presence of these petitioners is required for custodial interrogation. The petitioners claim that they are permanently residing at the addresses shown in the cause title. There is nothing on record to show that it is difficult to secure their presence for the



investigation without arresting and detaining them in custody. By considering these aspects, the nature of punishment prescribed for the offences alleged against the petitioners herein and also by considering the material relied to connect these petitioners with the crime in question, this court is of the opinion that the veracity of the allegations made by the respondent and the involvement of the petitioners in the crime in question is yet to be unearthed in the investigation.

12. In the case on hand, the prosecution has not made out any compelling ground to deny pre-arrest bail to the petitioners. The apprehension on the part of prosecution can be safeguarded by imposing suitable conditions. Hence, this court is of the humble opinion that this is a fit case to exercise discretion to grant anticipatory bail to the petitioners. Accordingly, point No.1 is answered in the ***Affirmative***.

13. **Point No.2:** In the light of above discussion, I proceed to pass the following.

### **ORDER**

This petition filed under section 482 of BNSS by accused No.5 and 6 in WLOR No.3/2024-25 on the file of RFO, Bhadra Wild Life, Lakkavalli is hereby allowed.

The petitioners are ordered to be enlarged on bail in the event of their arrest in the said case registered against them for the offences punishable under sections sections 2, 9, 27, 29, 31, 39, 50, 51, 55 and 57 of Wild Life Protection Act, 1972 (Amendment Act, 2022) with the following conditions:-



- 1) The petitioners shall appear before the investigating officer within twelve days from today and shall execute personal bond for a sum of Rs.1,00,000/- (Rupees one lakh only) each with two sureties for the like sum to the satisfaction of the investigating officer.
- 2) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of case so as to dissuade him from disclosing such facts to the court or to any police officer.
- 3) The petitioners shall make themselves available for interrogation by the respondent officials as and when required.
- 4) The petitioners shall not involve themselves in any criminal activities.

In case of violation of any of the conditions imposed above, the prosecution is at liberty to seek cancellation of bail.

(Dictated to the Stenographer Grade-III on computer, typed by her, corrected and pronounced by me in the open court on this 7<sup>th</sup> day of March, 2026).

**[Bhanumathi B.C]**  
**I Addl. District and Sessions Judge**  
**Chikkamagaluru**