



**IN THE COURT OF THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE AT CHIKKAMAGALURU**

Dated this the 11th day of March, 2026

:PRESENT:

Smt. Rajeshwari N. Hegde, B.Com., LL.M.
Prl. District & Sessions Judge, Chikkamagaluru

Crl. Misc. Petn. No.125/2026

Petitioner

Sri. Gunde Gowda @ Annappa
S/o. Rame Gowda,
Aged about 47 years, Coolie
R/o. Jodigundinakere Village
Belur, Hassan District.

(Represented by Sri.KHM, Adv)

-Vs-

Respondent:

State by Mines and Geology
Department, represented by Public
Prosecutor, Chikmagaluru.

ORDER

This petition under Section 482 of BNSS is filed seeking anticipatory bail in C.C. No:1031/2024 pending on the file of II Addl. Civil Judge and JMFC, Kadur registered for the offences punishable under Sec.4(1), 4(1A) and 21 of Mines and Minerals (Development and Regulation) Act, 1957 and Rule 3(1), 36(3), 43 and 44 of the Karnataka Minor Mineral Concession Rules, 1994

2. In the petition, petitioner has contended that the allegations made against him are false, frivolous, and concocted, the respondent has lodged a false complaint,

there is no prima facie case against him, in view registration of the case, he apprehends arrest by respondent, he hails from respectable family, he is permanent resident of the address given in the cause title having deep roots in the society; alleged offences are not punishable with death or imprisonment for life, one of the co-accused has already been granted by Hon'ble Prl. Sessions Judge in Crl.Misc. No: 606/2024 dt: 11.11.2024 and he is ready to offer surety and willing to abide by any of the conditions that may be imposed by the Court. Hence, prayed to allow the bail petition.

3. Learned Public Prosecutor for respondent police filed objections, narrating the facts of prosecution case and further stated that the material placed on record prima-facie establish the allegations leveled against the petitioner, he is politically and economically influential and as such at this stage, if he is released on bail, he may intimidate, threaten and influence the prosecution witnesses and he may flee from investigation and hamper the same. Hence, prayed for rejection of bail petition.

4. Heard both sides and perused the record.

5. Following point do arise for my consideration:

Whether petitioner has made out grounds to grant anticipatory bail to him?"

6. My finding on the aforesaid point is in the affirmative for the following:-

REASONS

7. Prosecution case in brief, is that on 20.3.2024 one Dayanand, Geologist, Mines and Geology Department,

Chikkamagaluru had filed a private complaint before II Addl. Civil Judge & JMFC, Kadur under section 200 of Cr.PC against one Sathish B.T. S/o. Thimmashetty and Gundegowda @ Annappa, the petitioner herein seeking to take cognizance of the offences punishable under sections 4(1), 4(1-A) and 21 of Mines and Minerals (Development and Regulation) Act, 1957 and sections 3(1), 36(3), 43 and 44 of Karnataka Minor Minerals Concession Rules, 1994 against the petitioners herein.

8. It is alleged by the complainant that upon receiving information of illegal mining being done by the petitioner herein and others in Sy.No.138 of S. Bidare Village, Kadur Taluk on 27.02.2024, they conducted raid and therein, they noticed illegal mining of black granite being carried out with the help of Hyundai 210 Excavator and Compressor/Jack Hammers and on seeing them, seven workers ran away from the spot and therein it was found that 160 metric tons of black granite were transported. On enquiry, they came to know that the petitioner herein and one B.T. Sathish, the accused No.1 had conducted said mining work at the land belonging to the government and transported about 160 metric tons of black granite.

9. It is further alleged that they drew sketch of the place at which illegal mining was done with the help of GPS and found that the petitioner herein and accused No.1 had transported about 160 metric tons of black granite without any pass or permit and thereby they have committed the aforesaid offences.

10. On the basis of said complaint, learned Magistrate took cognizance of the aforesaid offences and registered the case in C.C No.1031/2024 and issued NBW against the petitioner. Hence, the petitioner has come up with this petition on the premise that he apprehends his arrest as the case has been registered against him for non-bailable offences.

11. As per the allegations made in the complaint, when the raiding team entered the land in question, seven persons who found engaged in mining work there had fled from there on seeing them and thus it is not the case of the complainant that this petitioner was found doing mining work and he was not apprehended at said spot. Admittedly, the petitioner herein is not the owner of aforesaid land at which the mining is alleged to have been carried out and moreover this petitioner was not found being engaged in mining work in the aforesaid place. Moreover, it is not the case of the prosecution that the petitioner herein is having criminal antecedents. The order sheet in CC No: 1031/2024 indicates that the petitioner herein is the owner of Hundai R210-7 Excavator. Under these circumstances, this court is of the opinion that the veracity of the allegations leveled against the petitioner has to be ascertained at the time of trial.

12. Further, alleged offences are not punishable with death or imprisonment for life. The petitioner has no criminal antecedents and claims to be a coolie with a permanent place of residence and deep roots in the society. The investigation, though stated to be in progress, at this stage,

does not require custodial interrogation of the petitioner . The apprehension expressed by the prosecution regarding tampering of witnesses can be adequately safeguarded by imposing stringent conditions.

13. Thus, having regard to the nature of allegations, the injury sustained, and the settled principles governing grant of anticipatory bail, this Court is of the considered opinion that the petitioner is entitled to the discretionary relief of anticipatory bail.

14. The observations made while disposing this petition cannot be taken into consideration while disposing the case on merits. Accordingly, I answer the above point in the affirmative and proceed to pass the following:-

ORDER

Petition filed under section 482 of BNSS is allowed.

Petitioner is ordered to be released on bail in C.C. No.1031/2024 pending on the file of II Addl. Civil Judge and JMFC, Kadur, in the event of his surrender, which is registered for the offences punishable under sections 4(1), 4(1-A) and 21 of Mines and Minerals (Development and Regulation) Act, 1957 and sections 3(1), 36(3), 43 and 44 of Karnataka Minor Minerals Concession Rules, 1994 with the following conditions:-

- (1) He shall surrender before the concerned court within fifteen days from the date of this order
- (2) He shall not give threat to the prosecution witnesses in any manner.
- (3) He shall regularly appear before the court unless his presence is dispensed with by the concerned court.

(4) He shall not involve in any offences including the offences alleged in the present complaint.

If the petitioner violates any of the conditions, prosecution is at liberty to seek cancellation of bail.

(Typed to my dictation by Stenographer Grade-I directly on the computer, corrected, signed and then pronounced by me in the open Court on this the 11th day of March, 2026).

(RAJESHWARI N. HEGDE)
Prl. District & Sessions Judge,
Chikkamagaluru.

Rag/-