



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

Dated this the 20th day of May, 2026

:PRESENT:

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

SESSIONS CASE No.141/2025

Complainant : State by RFO, Kadur range,
Kadur.

(Represented by Public
Prosecutor, Chikkamagaluru)

-Vs-

Accused: A1. Manju,
S/o Ponnuswamy,
Aged about 32 years
R/at Hunasebylu village,
Tarikere Taluk.

(Represented by Smt.KMK, Adv)

ORDER

The accused No.1 has filed this application under section 483 of Bharatiya Nagarik Suraksha Sanhita 2023 (hereinafter referred as 'BNSS' for the sake of brevity) for enlarging her on bail in the above case registered against him and others for the offences punishable under sections 24, 83, 84, 85, 86 and 87 of



Karnataka Forest Act, 1963 r/w section 62, 104B and 104C of said Act and rule 144 of Karnataka Forest Rules, 1969.

2. It is stated by the accused that he is innocent of the alleged offences, but a false case has been registered against him. He is having deep roots in the society and having immovable properties and as such there is no chance of abscondance if he is let on bail. He undertakes to abide by the terms and conditions that may be imposed by the court for granting bail to him. Inter-alia on these grounds, the accused sought for allowing the application.

3. The learned Public Prosecutor has resisted the above application by filing statement of objections. By reproducing the allegations made in the charge sheet, it is contended by the prosecution that the material placed on record prima-facie discloses the involvement of the accused in the crime in question. The trial is yet to be commenced and if at this stage, the accused is released on bail, he may involve himself in the commission of similar offences and he may threaten and intimidate the prosecution witnesses. He may also flee from justice and thereby he would hamper the trial and further having regard to the nature and gravity of offence alleged against the accused, the Public Prosecutor has sought for rejecting the application.

4. Heard arguments and perused the record.

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



POINTS

1. Whether the accused No.1 has made out any ground to enlarge him on bail in the above case?
2. What order?

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

Point No.1 : In Negative
Point No.2 : As per the final order for the following:-

REASONS

(Note:- It is made clear that the observations made by this court in the course of this order is only in respect of considering the bail application and the same has no bearing on the merits of the case).

7. **Point No.1** : In the case of **Prashanthkumar Sarkar -VS- Ashish Chaterjee and another** reported in **2010(14)SCC 496**, the Hon'ble Apex court has indicated that the following factors are required to be kept in mind while considering the bail application in respect of a heinous offence:-

- i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;
- ii) nature and gravity of the accusation;
- iii) severity of the punishment in the event of conviction;
- iv) danger of the accused absconding or fleeing, if released on bail;
- v) character, behavior, means, position and standing of the accused;



- vi) likelihood of the offence being repeated;
- vii) reasonable apprehension of the witnesses being influenced, and
- viii) danger, of course, of justice being thwarted by grant of bail.

8. By keeping in mind the above factors, I have carefully perused entire materials placed on record. This court is conscious of the fact that the court cannot and is not supposed to sift the evidence made available by the prosecution at the time of deciding the bail application. However, only for the purpose of deciding whether the accused is entitled for bail or not, I proceed to discuss the facts alleged by the prosecution and whatever I say while disposing this bail application cannot be construed as an expression of opinion on the merits of the main case.

9. It is seen from the record that on 15.07.2020, a case in FOC No.11/2020-21 has been registered against the accused for the offences punishable under sections 24, 83, 84, 85, 86 and 87 of Karnataka Forest Act, 1963 r/w section 62, 104B and 104C of said Act and rule 144 of Karnataka Forest Rules, 1969 on the basis of complaint lodged by CW.1-Santhosh Kumar S.R. After completing investigation, the charge sheet has been laid against the accused for the aforesaid offences with the allegation that on 15.07.2020, they were found cutting a sandal tree in the land bearing Sy.No.70 of Emmedoddi Tiger Reserve Forest area and they were found in possession of 05 sandalwood logs weighing 13 Kgs and billets weighing 3.5 Kgs and accordingly they were caught and aforesaid logs and billets were seized with the instruments used to cut said tree. After committal said case has been



registered in SC No.56/2021 and the same is made over to this court.

10. It is seen from the record that the accused No.1 to 4 were already enlarged on bail during crime stage. Subsequently, as the accused No.1 to 3 remained absconded, the case against them was ordered to be split up and as a result, the present case split up case has been registered against them. As the accused No.1 was earlier released on bail on merits in connection with the crime in question, there is no need for this court to go in detail with the facts and merits of the case. As these accused subsequently remained absent before the court, this court issued NBW to secure their presence. In pursuance of NBW, the forest official apprehended accused No.1 and produced him before the court on 23.04.2026, on which he was taken to judicial custody and remanded to prison and since then he is in judicial custody.

11. It is seen from the record that this crime is of the year 2020 and as the accused No.1 to 3 remained absconded in SC No.56/2021 and their presence could not be secured by the officials despite issuing warrants on several occasions, the case against them was ordered to be split up and accordingly the present split up case has been registered against them on 20.11.2025. Even in this case, despite issuing warrants on several occasions, their presence could not be secured and it is only on 23.04.2026, the accused No.1 was apprehended and produced before the court by executing non-bailable warrant. Though crime is of the year 2020 and the case against him in SC No.56/2021 was registered on 24.03.2021, the same is still pending consideration due to abscondance of



the accused. Further though the accused was very much aware of the initiation of present proceedings against him, he remained absconded for years together and his presence could not be secured despite issuing warrants on several occasions and even by issuing notice to his sureties.

12. Further in the charge sheet, the accused No.1 though shown to be the resident of Hunasebylu village, Tarikere Taluk, when he was apprehended and produced before the court on 23.04.2026, he disclosed that at present he resided at Tamilnadu State. Having regard to these aspects, the possibility of the accused again fleeing from justice if enlarged on bail cannot be ruled out. Moreover, the accused has not offered any explanation or reason for his absence before the court despite having knowledge of pendency of this case against him and even he has not placed any material to substantiate his continuous and frequent absence from the court proceedings by violating the terms and conditions imposed on him by the court while admitting him on bail.

13. Further it is seen from the record that only 06 persons are cited as witnesses in the charge sheet and all of them are official witnesses and thus it may not take long time for completion of trial. The danger of accused fleeing from justice is one of the important factor to be kept in mind at the time of considering the bail application. It is to be noted that if an accused person obtains an anticipatory bail or regular bail, it is obligatory on his part to make himself available for investigation and later for trial and he having obtained the benefit of bail, cannot make himself scarce by remaining absconding. Further in the case



on hand, when the accused is very much aware of the pendency of case and terms and conditions stipulated by this court at the time of granting bail to him coupled with the fact that the accused has not assigned any reason for his absence, this court is of the humble opinion that in fact situation, the accused has lost his right to seek bail as he had violated the terms and conditions granted earlier by this court by making himself unavailable for the court proceedings.

14. Further the crime is of the year 2020, the trial is yet to be commenced and as noted above, only six persons are cited as witnesses in the charge sheet and as such the same would be disposed of at the earliest on priority basis. Having regard to these aspects and further having to regard to previous conduct of the accused after he was admitted on bail, this court is of the humble opinion that he has not made out any ground to enlarge him on bail. Accordingly, point No.1 is answered in Negative.

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

ORDER

The application filed by accused No.1 under section 483 of BNSS is hereby rejected.

(Dictated to Stenographer Grade-III directly on computer, script corrected and then signed by me on this the 20th day of May, 2026)

(BHANUMATHI.B.C)

I Addl. District & Sessions Judge,
Chikkamagaluru.