

KADG010018592026



Presented on : 16-06-2026
Registered on : 16-06-2026
Decided on : 23-06-2026
Duration :00years, 00month, 07 days.

**IN THE COURT OF
PRL DISTRICT AND SESSIONS JUDGE DAVANGERE
AT DAVANGERE,**

(Presided Over by SMT. VELA D.K.)

Crl.Misc./510/2026

Petitioners:-

- 1: Najibulla S/o Abdul Sab,
Age 39 years, R/o Ubrani Village,
Chanangiri Taluk,
Davanagere Dist.
- 2: Mukram S/o Abdul Raheem
Age: 41 years R/o Kage Kodamaggi Village
Bhadravathi Taluk Shivamogga Dist.
- 3: Sayed Mehabub S/o Abdul Sab
Age: 37 years, R/o Kadekallu
Shivamogga.

(By Sri. T.B.R, Advocate)

-VERSUS-

Respondent:-

State of Karnataka through,
Forest Officer, Channagiri Range,

(By learned Public Prosecutor)

ORDER ON PETITION FILED UNDER SEC.483 OF BNSS

1. The counsel for the petitioners/Accused No.3 to 5 has filed above petition under Sec.483 of BNSS, seeking grant of regular bail in respect of Crime No.4/2026 registered by the Respondent P.S for the offences punishable U/Sec.24, 50, 62, 36 U/R 1969, 144, 165 of KFR and U/s. 4,21 of MMDR 1957.

2. The grounds urged for grant of bail are as under :-

The averments made in the petition has been that the case has been registered against the petitioners/accused No.3 to 5 and other accused persons on account of illegal mining by encroaching the forest area bearing Sy.No.21 of Ubrani village, Channagiri taluk and transporting of iron ore in the tractor, in order to sell the same. The petitioners are said to be innocent of the offences alleged against them and unconnected to the crime registered. They are the law abiding citizens and there is no prima facie material for any of the offences alleged in the case. The petitioners are in custody from

08.06.2026. Unnecessarily the petitioners have been arrayed as accused persons in the present case. The alleged offences are not punishable with death or life imprisonment. The petitioners are ready to offer surety and hence sought for the grant of regular bail.

3. The learned Public Prosecutor has filed objection to the above petition contending that the case has been registered against the accused in respect of the offence under Sections 24, 50, 62, 36, U/R Sec. 1969 Sec. 144, 165 of KFR U/R Sec. 4, 21, MMDR 1957. Matter to be under investigation, in case bail is granted, there is possibility of threatening the witnesses, repeating similar kind of offences and may abscond and would cause impediment to the fair trial of the case. There is also chances of committing theft of valuables like teak wood, sandalwood, and other related various products in order to make illegal monetary gain and that it is the burden and loss to the exchequer of the state. Hence, sought for rejection of the bail.

4. Heard learned counsel for the petitioners and learned Public Prosecutor for the Respondent. Perused the records.

5. On hearing the bail petition, the points that arise for consideration are : -

1) Whether sufficient grounds have been made out for grant of regular bail in respect of FOC No.04/2026-27 of Channagiri PS ?

2) What order ?

6. The Point No.1 is answered in the Negative, and point No.2 as per final order and for the following:-

R E A S O N S

7. **Point No.1: -** As per FOC No.4/2026-27 case has been registered by Respondent Police against the petitioners/accused No.3 to 5 and other accused in respect of illegal mining by encroaching Sy.No.21 of Ubrani village in Channagiri taluk and thereby had committed offence punishable U/Sec.24, 50, 62, 36 U/R 1969, 144, 165 of KFR and U/s.4, 21 of MMDR 1957. Said case has been registered on 08.06.2026 and mahazar has been drawn, seized and tractor loading with iron ore bearing registration No.KA-66/T-9131, have been seized. The seizure has been reported to the court concerned. Learned PP has filed report of the IO, wherein it is stated that the matter is pending for investigation, accused

No.1 has to be traced and accused No.2 to 5 have admitted to have committed the offences in their voluntary statement. In case bail is granted, there is likelihood of repeating similar type of illegal acts, destroying evidence that has to be collected. The offences alleged against the accused are pertaining to spoiling law and order of the society. Therefore, learned PP has sought for rejection of the bail petition.

8. The accused No. 3 to 5 have been in custody as per the report of the IO from 08.06.2026 for the offence registered by the respondent police pertains to the forest area. Nature of the offence are such that by illegally encroaching forest area there has been illegal mining and that the tractor and the trailer was loaded with iron ore. Accused No.1 is yet to be traced. So at this stage, no ground has been made out for the grant of regular bail. There could be necessity of custodial interrogation of accused No.3 to 5 for enquiry in order to tracing the accused No.1 and pending that part of investigation, no ground has been made out to grant regular bail. Such being the case, the petitioners are not entitled for the regular bail. Accordingly, point No.1 is answered in the Negative.

9. **Point No.2** :- In view of the above finding on point No.1, I proceed to pass the following :-

O R D E R

The petition filed by petitioners / accused No.3, 4 and 5 under Sec.483 of BNSS is hereby dismissed.

(Dictated to stenographer computerized by her, transcript corrected, revised, signed and pronounced by me in the open Court on this the 23rd day of June, 2026)

(Vela.D.K)
**Prl.District & Sessions Judge,
Davanagere.**