NC: 2025:KHC-K:3129
CRL.P No. 200916 of 2025

HC-KAR

IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 17TH DAY OF JUNE, 2025

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CRIMINAL PETITION NO.200916 OF 2025

(438(Cr.PC)/482(BNSS))

BETWEEN:

DURGAPPA NAYAK
@ DURGAPPA S. S/O NAGAPPA,
AGED ABOUT: 42 YEARS,
OCC: AGRICULTURE AND ADVOCACY,
R/O. TURIVAHAL VILLAGE, TQ. SINDHANOOR,
DIST.RAICHUR – 584128.

…PETITIONER

(BY SRI B. K. HIREMATH, ADVOCATE)

AND:

Digitally signed by RENUKA
Location: HIGH COURT OF KARNATAKA

THE STATE OF KARNATAKA,
REPRESENTED THROUGH,
ADDL. SPECIAL PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
KALABURAGI BENCH - 585107
(THROUGH RANGE FOREST OFFICER, MANVI,
TQ.MANVI, DIST.RAICHUR - 584124

…RESPONDENT

(BY SMT. ARATI PATIL, HCGP)

THIS CRL.P IS FILED UNDER SECTION 438 OF CR.P.C (OLD) U/SEC 482 OF BNSS, PRAYING TO ALLOW THE BAIL PETITION FILED BY THE PETITIONER/ACCUSED NO.3 TO

RELEASE HIM ON BAIL IN THE EVENT HIS ARREST BY THE RESPONDENT IN CRIME NO.WLOR-01/2025 DATED 31.03.2025 FOR OFFENCE PUNISHABLE U/SEC 9, 39, 48(A) R/W SEC 51 OF WILD LIFE PROTECTION ACT 1972 PENDING ON THE FILE OF I ADDL. CIVIL JUDGE AND JMFC SINDHANOOR PC NO. 156/2025 BY PUTTING ANY CONDITIONS AND SAME WILL BE ABIDE BY HIM.

THIS PETITION COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

(PER: HON'BLE MR. JUSTICE V SRISHANANDA)

Heard Sri B.K.Hiremath, learned counsel for the petitioner and Smt.Arati Patil, learned High Court Government Pleader for the respondent.

2. Petition under Section 482 of BNSS, 2023 with the following prayer:

> *"praying to allow the bail petition filed by the petitioner/accused no. 3 to release him on bail in the event his arrest by the respondent in Crime No.wlor-01/2025 dated 31.03.2025 for offence punishable u/Sections 9, 39, 48(A) read with Section 51 of Wild Life Protection Act, 1972, pending on the file of I*

Addl. Civil Judge and JMFC, Sindhanoor, P.C.No.156/2025 by putting any conditions and same will be abide by him, in the interest of justice and equity."

3. In respect of the aforesaid offences, an FIR came to be lodged on 01.04.2025. Petitioner is shown as accused No.3 in the said case. Petitioner approached for grant of anticipatory bail and the same was rejected by the learned Trial Judge. Thereafter, petitioner is before this Court with the aforesaid prayer.

4. Learned counsel for the petitioner contended that the petitioner is innocent of the offences alleged against him and he has been falsely implicated in the matter. He would further submit that co-accused persons have been granted anticipatory bail by the Coordinate Bench of this Court and therefore, on the ground of parity, petitioner be enlarged on anticipatory bail.

5. *Per contra*, learned High Court Government Pleader opposes the bail grounds with vehemence by

contending that the offences alleged against the petitioner are serious in nature and very fact that he is absconding from the date of offence itself shows that he is guilty of the offences alleged against him and sought for dismissal of the petition.

6. Having heard the learned counsel for the parties, this Court perused the material on record meticulously.

7. On such perusal, it is seen that the incident is reported by the Ranger Forest Officer, who did not nurture any previous enmity or animosity against the petitioner. Nevertheless, since co-accused persons have been granted anticipatory bail by the Coordinate Bench of this Court, on the ground of parity, present petitioner can also be granted anticipatory bail with conditions.

8. Further, if the petitioner is directed to join the investigation on a particular day and undergo a limited period of custodial interrogation, it would also not only

meet ends of justice but it would facilitate the investigation process as well.

9. Accordingly, without expressing further opinion on merits of the matter, following:

ORDER

a) Criminal petition is allowed.

b) Petitioner is directed to join the investigation by appearing before the Investigation Officer on 25.06.2025 at 10.00 a.m.

c) Investigation Officer is at liberty to take the petitioner to custody and complete the custodial interrogation on the same day before 5.00 p.m. and thereafter, enlarge the petitioner on bail in Crime No.WLOR/CR-01/2025-26 on taking a bond in a sum of Rs.50,000/- with two sureties for the likesum to the satisfaction of the Investigation Officer.

d) Petitioner shall not indulge in similar offences.

e) Petitioner shall co-operate with the Investigation Agency and in that direction, shall mark his attendance on every third Sunday between 10.00 a.m. to 02.00 p.m., till the final report is filed.

f) Petitioner shall not tamper the prosecution witnesses in any manner.

g) Petitioner shall not leave the jurisdiction of Raichur district without prior permission.

Violation of any one of the conditions would entitle the prosecution to seek for cancellation of bail.

Sd/-
(V SRISHANANDA)
JUDGE

SRT
List No.: 1 Sl No.: 23
CT:PK