

(2017) 05 KAR CK 0016
In the Karnataka High Court
Case No : 3904 of 2017

JADIYAPPA S/O THIMMAIAH, & ANR.

APPELLANT

Vs

STATE BY RANGE FOREST OFFICER, COUDALLI WILD LIFE
OFFICER

RESPONDENT

Date of Decision : 11-05-2017

Acts Referred:

Wild Life (Protection) Act, 1972, Section 2(26), Section 39, Section 31, Section 9, Section 29, Section 2(15), Section 2(15), Section 2(15)

Citation : (2017) 05 KAR CK 0016

Hon'ble Judges : H.B.Prabhakara Sastry

Bench : SINGLE BENCH

Advocate : K.A. CHANDRASHEKARA, S.VISWAMURTHY

Final Decision : Allowed

Judgement

1. Heard the learned counsel for the petitioners and the learned High Court Government Pleader. Perused the materials placed before this Court.

2. The summary of the case of prosecution is that on 26.03.2017 at 1.30 a.m. when the forest guards of Coudalli branch were on the beats, they noticed about three persons moving in the forest with the help of light from a torch. When this night round team approached them, two of them ran away and only one person was apprehended. The team noticed one dead black napped hare in his hand which was dead. But on enquiry, the team came to know that the two persons who ran away were the present petitioners and all three of them joined together to kill the said hare and as such, the F.O.C. was lodged with the complainant police which was registered in Crime No.10/2016-2017 for the offences punishable under Sections 9, 27 (1), 29, 31, 39 and 51 read with Section 2 (15), (16), (26), (35), (36), (37) of Wild Life Protection Act, 1972.

3. A perusal of the materials placed before this court shows that it is based on

the alleged statement said to have been made by accused No.1, the details of present petitioners have been incorporated in the F.O.C. by the police. The truthfulness about the same can be ascertained only in a thorough investigation. Alleged offences is of killing a black napped hare.

4. At this stage, after hearing both side, it is not convinced that the apprehension of the present petitioners are required for any further investigation. However, the apprehension of the prosecution that the present petitioners may flee from justice can be checked by imposing reasonable conditions. Accordingly, I proceed to pass the following:

ORDER

The petition is allowed in part and in case of the arrest of the present petitioners, the respondent authority shall release and enlarge them on bail. The petitioners/ accused be enlarged on bail in Crime No.10/2016-2017 of respondent authority, subject to the conditions that:

- i) The petitioners shall be enlarged on bail in the event of their arrest by executing a personal bond for a sum of Rs. 20,000/- each (Rupees Twenty Thousand only) with a surety to the likesum to the satisfaction of the enlarging authority;
- ii) The petitioners shall appear before the respondent authority on every alternate Monday and mark their appearance till the final report is filed.
- iii) The petitioners shall not hamper and tamper the prosecution witnesses and documents in any manner.