



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

**CRIMINAL PETITION NO. 3202 OF 2026 (438(Cr.PC) /
482(BNSS))**

BETWEEN:

1. K KUMAR
S/O. JAVARAPPA AGED
ABOUT 58 YEARS
R/AT ARKAT STREET GANJAM,
SRIRANGAPATNA TOWN
MADYA DISTRICT

2. ABHISHEK
S/O. K KUMAR
AGED ABOUT 28 YEARS
R/AT ARKAT STREET GANJAM,
SRIRANGAPATNA TOWN
MADYA DISTRICT



...PETITIONERS

(BY SRI. LETHIF B., ADVOCATE)

AND:

THE STATE OF KARNATAKA,
BY RANGE FOREST OFFICER
AND MOBILE SQUAD
MYSURU DISTRICT



REP. BY SPP,
HIGH COURT BUILDING,
BANGALORE – 560 001

...RESPONDENT

(BY SRI. RANGASWAMY R., HCGP)

THIS CRL.P FILED U/S 438 CR.PC (FILED U/S 482 BNNS) BY THE ADVOCATE FOR THE PETITIONER PRAYING TO RELEASE HIM ON ANTICIPATORY BAIL IN THE EVENT OF ARREST IN FOC NO.46/2025-26 FOR THE OFFENCE P/U/S 2(18), 71(a), 80, 84, 86, 87 OF FOREST ACT AND RULE 144, 157, 165 OF KARNATAKA FOREST RULES 1969 OF MYSURU RANGE, PENDING ON THE FILE OF THE PRL. CIVIL JUDGE AND JMFC SRIRANGAPATNA.

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL ORDER

1. This petition is filed by the petitioners who are arrayed as accused Nos.1 and 2 in FOC No.46/2025-26 filed by the respondent – Police for the offences punishable under Section 2(18), 71(a), 80, 84, 86, 87 of Forest Act and Rule 144, 157 and 165 of Karnataka Forest Rules, 1969 of Mysuru Range.



Factual matrix of the case:

2. The case of the prosecution is that Deputy Range Forest Officer lodged a complaint to the Range Forest Officer on 29.01.2026 stating that the respondent had received credible information that in front of Tippu Palace, Gumbaz Road, Srirangapatana there are handicraft shops and also Cauvery Silk Shop where they were selling sandalwood and red sandal pieces and also the powder without having any license or permit. Thereafter, on receiving the permission from the Range Forest Officer, he and his team conducted search and seizure and seized 35 sandal pieces weighing about 1.8 kg, 12 red sandalwood pieces weighing about 0.9 kg and sandal powder of about 1.5 kg which was stored in the shop without having any license or permit. The investigation is under progress.

3. Heard Sri. Lethif B., learned counsel for the petitioner and Sri. Rangaswamy R., learned High Court Government Pleader for respondent.

4. Learned counsel for the petitioners submits that the petitioners are innocent of the alleged offence. They have been falsely implicated in this case. In fact, Section 86 of the



Karnataka Forest Act could not attract to the given set of facts and circumstances. The shop, which the petitioners were running is under valid licence given by the competent authority to sell the antique craft items. The alleged seizure had not at all taken place in the shop. The petitioners were not present at the time when the alleged seizure had taken place.

5. The petitioners are the permanent resident of Srirangapatna Town. They are the father and son of the same family. They will abide the conditions imposed by this Court in the event of their release on bail.

6. *Per Contra*, learned High Court Government Pleader for respondent – State vehemently submitted that the petitioners were illegally selling sandalwood pieces and also the red sandal, of which they did not have any license or permit. The sandalwood pieces and red sandal were seized in the said shop under the seizure mahazar. It is also an admitted fact that both father and son were running the said shop. Therefore, it is not appropriate to grant anticipatory bail to the petitioners. Making such submission, he prays to reject the petition.



7. Heard the learned counsel for the respective parties and perused the averments of the complaint. The complaint came to be registered by DRFO stating that he had received credible information by the informants that the petitioners were selling the sandalwood pieces and red sandal to the customers. The complainant along with others went to the spot and it is stated that they had seized the sandalwood pieces and also the red sandal pieces. However, there is no whisper regarding the presence of the petitioners in the said shop at the time of alleged search and seizure which had taken place.

8. Having considered the facts and circumstances of the case, it is appropriate to grant bail by imposing suitable conditions.

9. Hence I proceed to pass the following:

ORDER

(i) This Criminal Petition is ***allowed.***

(ii) The petitioners are ordered to be enlarged on bail in the event of their arrent in FOC No.46/2025-26 filed by the respondent -



Police, on executing a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) each, with one surety each for the like sum to the satisfaction of the Trial Court.

(iii) The petitioners shall appear before the Investigating Officer within one month from today to execute personal bond and to furnish surety.

(iv) The petitioners shall co-operate with the investigation till filing of the final report.

(v) The petitioners shall not threaten or tamper the prosecution witnesses nor hamper the proceedings of the Court.

(vi) The petitioners shall appear before the Trial Court on all hearing dates, without fail.

(vii) The petitioners shall not indulge in any criminal cases till disposal of the case.



In case, if, the petitioners violates any of the bail conditions as stated above, liberty is reserved to the prosecution to file necessary application for cancellation of bail.

Sd/-
(S RACHAIAH)
JUDGE

NM