

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 73 of 2022

Biswanath Swain

.... ***Petitioner***
Mr.P.C.Das, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr.K.K.Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

28.01.2022

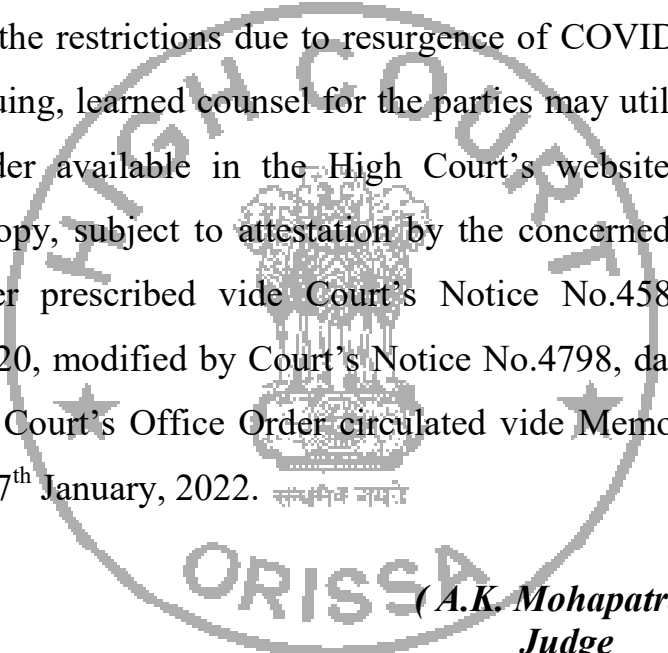
Order No.

1. This matter is taken up through Video Conferencing mode.
2. Heard learned counsel for both the parties and perused the records.
3. The Petitioner is apprehending arrest for the alleged commission of offence under Section 51 of the of the Wild Life Protection Act in 2(b)C.C.Case No.55 of 2021 of the Court of the learned Nyayadhikari Grama Nyayalaya-cum-J.M.F.C., Rajnagar arising out of O.R.Case No.62 of 2021.
4. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioner.
5. However, on the submission of the learned counsel, the Petitioner is given liberty to surrender before the learned Nyayadhikari Grama Nyayalaya-cum-J.M.F.C., Rajnagar in the aforesaid case in the first hour within 21 working days hence and move for bail. On such event, the learned Magistrate shall consider his application for bail in the first hour strictly on the basis of the

materials on record. In case of rejection of the bail application, the Petitioner may move for bail before the higher forum in the second hour. On such event, the higher forum shall consider and dispose of the bail application of the Petitioner on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

6. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the Petitioner, if applied for.

7. The ABLAPL is accordingly disposed of.

8. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Court's Notice No.4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022. 

RKS

(*A.K. Mohapatra*)
Judge