

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL No.1887 of 2022**

**1. Kalakar Naik**

**2. Bandhua Naik**

....

**Petitioners**

*Mr. R.C. Behera, Advocate*

*-versus-*

**State of Odisha**

....

**Opp. Party**

*Mr. A.K. Beura,*

*Addl. Standing Counsel*

**CORAM:  
JUSTICE S.K. SAHOO**

**ORDER  
11.05.2022**

**Order No.**

03.

This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard the learned counsel for the petitioners and learned counsel for the State.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in connection with OR Case No.71 of 2021 and UDC No. 7 of 2021-22 corresponding to 2(b) C.C. Case No.10 of 2021 pending in the Court of learned S.D.J.M., Pallahara for commission of alleged offence under section 51(1A) of the Wildlife (Protection) Act 1972 for violation of sections 9 and 39 of the said Act.

Perused the F.I.R. annexed to the anticipatory bail application.

Learned counsel for the State on instruction submitted that the petitioners are having no criminal antecedents.

However, he submitted that it is a case where one elephant was killed on account of electrocution with the 11 KV electric line pole and the petitioners led the live electric wire for which the unfortunate incident happened.

Learned counsel for the petitioners submitted that the implication of the petitioners is based on the confessional statements of the co-accused persons, who have already been released on bail in view of the proviso to section 167(2) of Cr.P.C.

Be that as it may, in view of the nature of accusation against the petitioners, while not inclining to grant anticipatory bail to the petitioners, liberty is granted to them to surrender and move for bail in the Court below within a period of four weeks from today in the event of which the learned Courts below shall dispose of the same in accordance with law expeditiously and the claim of parity with the co-accused persons, shall be taken into account in accordance with law. The case records shall be made available to the Courts concerned for disposal of the bail application.

The ABLAPL stands disposed of.

A free copy of the order be handed over to the learned counsel for the State.

Issue urgent certified copy as per Rules.

**( S.K. Sahoo )**  
**Judge**