

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2171 of 2022

**1. Md. Muktar
2. Riyajat Saha**

.... Petitioners

Mr.Chhabi Behera, Advocate

-versus-

State of Odisha

.... Opp. Party

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

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

**ORDER
16.03.2022**

Order No.

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

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

This is an application under section 438 of Cr.P.C. in connection with Khurda Model P.S. Case No.79 of 2022 corresponding to G.R. Case No.258 of 2022 pending in the Court of learned S.D.J.M., Khurda for offences punishable under sections 353, 294, 506/34 of the Indian Penal Code and sections 11(1)(a), 11(1)(d) and 11(a)(e) of the Prevention of Cruelty to Animal Act, 1960.

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

Learned counsel for the petitioners submitted that petitioner no.1 Md. Muktar is the registered owner of the Bolero Pick-up van which was utilized for transporting of cows/bulls and on the date of occurrence, the petitioner no.1 was not present at the spot. He further submitted that the offences are triable by Magistrate and in view of the nature of accusation against the petitioners, the anticipatory bail application of the petitioners may be favourably considered.

Learned counsel for the State opposed the prayer for anticipatory bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioners and since the offences are triable by Magistrate, I am inclined to release the petitioners on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioners in connection with the aforesaid case, they shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties each for the like amount to the satisfaction of the arresting officer with further conditions that they shall make themselves available for interrogation by the I.O. as and when required and they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to

dissuade him from disclosing such facts to the Court or to the Investigating Officer. Violation of any of the above conditions shall entail cancellation of bail.

The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

PKSahoo

