

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.2814 OF 2020

Sankirtanya Bhue & Another

....

Petitioners

Mr. A.C. Behera, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. D.R. Parida, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

24.02.2022

Order No.

03. 1. This matter is taken up by hybrid arranged (virtual/physical) mode.
2. The Petitioners having been implicated in connection with 2(b)CC No.01 of 2020 arising out of (Bargarh) Bhatli forest Range, O.R. No.60 of 2019-20 corresponding to F.I.R. No.0062014/496 dated 28.01.2020 on the file of learned S.D.J.M., Bargarh running for alleged commission of offence under Section-39 of Wild Life (Protection) Act, 1972 which is punishable under section 51 of the Wild Life (Protection) Act, 1972 have filed this application under Section-438 of the Cr.P.C. for their release on bail in the event of their arrest in the above mentioned case.
3. Heard learned counsel for the Petitioners and learned counsel for the State.

4. Considering the submissions made and on going through the materials as placed as also taking into account the surrounding circumstances, while being not inclined to consider the prayer for grant of anticipatory bail to the Petitioners; this application stands disposed of with an observation that in the event the Petitioners surrender before the court in seisin of the case and move for their release on bail, the same shall be considered on its own merit; further taking into account the factum of release of co-accused persons on bail and if similarly situated with the Petitioners on the ground of parity and disposed of in accordance with law without being influenced by this order during the first half of the day so as to enable the Petitioners in case necessity so arises, to approach the next higher forum in the second hour for its disposal in course of the day unless there stands any legal impediment.

The case records be transmitted at the cost of the Petitioners.

5. The ABLAPL is accordingly disposed of. Interim order passed on 19.03.2020 stands vacated.

6. Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**