

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 8328 of 2022

Bijay Khatua & another

....

Petitioners

Mr.Mohendra Kumar Mohapatro,
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.S.Patra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

27.07.2022

Order No.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for both the parties and perused the records.
3. It is submitted by the learned counsel for the Petitioners that one of the co-accused persons has been released on bail.
4. The Petitioners are apprehending arrest for the alleged commission of offence under Sections 2(11), 2(16), 9, 39(a)(b), 40, 44(i)(i)(a)(v)(b), 48, 49B(b)(a)(v)(b), 50(i)(a)(b) of 1972 which is punishable under section 51 of Wild Life Protection Act, 1972. in 2(b) C.C.Case No.18 of 2022 of the Court of the learned S.D.J.M., Athamalik, arising out of Offence Report No.26(A) of 2022-23.
4. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioners.
5. However, on the submission of the learned counsel, the Petitioners are given liberty to surrender before the learned S.D.J.M.,

Athamallik 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 their 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 Petitioners 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 Petitioners 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 Petitioners , if applied for.

7. The ABLAPL is accordingly disposed of.

8. Issue urgent certified copy of the order as per Rules.

RKS

