

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8378 of 2022

***Prasant @ Prasanta Mandal &
another***

....

Petitioners

Mr. Dibyoyoti Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Rout, A.G.A.

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
28.07.2022**

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offences punishable under Sections 9/27/29/35(6)/39(b)/51 of the Wild Life Protection Act, 1972.
4. Considering the nature of allegation, gravity of the offence and the facts of the case, though I am not inclined to grant anticipatory bail to the Petitioners, however it is observed that the Petitioners are given liberty to surrender before the learned NGM-cum-J.M.F.C., Rajnagar in 2(b)CC Case No.20 of 2022 corresponding to Offence Report Case No.21 k of 2022-23 in the first hour within 21 working days hence and move for bail. In such

event, the learned Magistrate shall consider the bail application of the Petitioners in the first hour of the day, strictly on the basis of the materials on record. In case of rejection of the bail application by the learned Magistrate, the Petitioners may move for bail before the higher forum in the second hour of the same day. In that event, the higher forum shall consider and dispose of the bail application of the Petitioners on the same day on merit, strictly on the basis of the materials available on record.

5. Ground of parity, if canvassed by learned counsel for the Petitioners, may be taken into consideration by the learned courts below as per law, while dealing with the bail application of the Petitioners on merit.

6. The ABLAPL is disposed of accordingly.

7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge