

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

**ABLAPL No.10267 of 2022**

***Madan Dehury @ Madan Dehuri*** .... ***Petitioners***  
***and others***

*Mr. B.K. Ghadei, Advocate*

*-versus-*

***State of Odisha***

.... ***Opp. Party***  
*Mr. S. Mishra, A.S.C.*

**CORAM:**

**JUSTICE A.K. MOHAPATRA**

**ORDER**

**30.08.2022**

**Order No.**

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.
4. The petitioners are seeking pre-arrest bail in connection with O.R. Case No.38<sup>D</sup> of 2022-23, arising out of 2(b) CC Case No.06 of 2022 pending in the court of learned J.M.F.C.(R), Cuttack for commission of offence punishable under Sections 2(g)(i)(a)/27(3)(a)(b) of the Forest Act, 1972 and U/R 4/12/14 of OFPT Rule, 1980 and U/R 21 of the said Rule.
5. It is submitted by learned counsel for the petitioners that the principal accused is in custody. So far as the present petitioners are concerned, they are alleged as accused on the basis of the statement of the co-accused. It is further submitted by learned counsel for the

petitioners that the petitioners do not have any criminal antecedents.

6. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioners. However, it is directed that in the event the petitioners surrender and move an application for bail before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, they shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that :-

- I. The petitioners shall not default in attendance of the court during trial on each date of posting;
- II. while on bail, they shall not threaten, harass and terrorize the informant and her /his family members in any manner whatsoever;
- III. they shall not indulge in similar criminal activities while on bail, and

Violation of any of the terms and conditions shall entail cancellation of bail.

6. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

**( A.K. Mohapatra )**  
**Judge**