

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8347 of 2022

Rajib Majhi and another

....

Petitioners

Mr. S.K. Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

15.09.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. The petitioners are accused in 2(b) CC No.03 of 2022, pending in the file of learned S.D.J.M. Bhawanipatna, arising out of Offence Report No.146 of 2022-23, offence under Sections 9/39(3)(a)(b)/44/49-B(a)(iii)/52 and 57 of the Wild Life (Protection) Act, 1972 with punishable under Section 51 of the Wild Life Protection Act, 1972 .
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Kalahandi, Bhawanipatna by order dated 25.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioners that they are in custody since 05.08.2022 and the basis of implication is on account of co-accused statement of one Kailash

Majhi who according to the learned counsel for the petitioner is the principal accused. Hence he seeks release of the petitioner.

6. Learned counsel for the State relying on the order of rejection opposes the prayer for bail.

7. Taking into account the nature of allegations and the basis of implication, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin over the matter. While enlarging the petitioners on bail the learned court below shall verify assertion regarding their criminal proclivity. If it comes to the fore that the petitioners have any criminal antecedent this order shall stand recalled.

8. Additionally, it is directed that the petitioner shall appear before the jurisdictional police station once every week till the conclusion of investigation.

9. Accordingly, the BLAPL stands disposed of.

10. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge