

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10800 of 2022

Majhi Patra & others

....

Petitioners

Mr. P.K. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
24.11.2022

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.07 of 2022 pending on the file of learned S.D.J.M., Kamakhyanagar, arising out of O.R. Case No.29B of 2022-23, for commission of offence under Section 51 of the Wildlife Protection Act.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Addl. Sessions Judge, Kamakhyanagar by order dated 29.10.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel that as the Petitioners are in custody since 15.10.2022 and since they are first offender, their further continuance in custody is not warranted.
6. Learned counsel for the State opposes the prayer.

7. Taking into account the substantial progress of the investigation, as stated and as the Petitioners are the first offenders, 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.

8. Additionally, it is directed that the Petitioners shall appear before the I.O twice every week till submission of final O.R.

9. While enlarging the Petitioners on bail, learned court below shall verify the assertion regarding their criminal proclivity of similar nature. If it comes to the fore that the Petitioners have any such criminal antecedent, this order shall stand recalled.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS

