

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10613 of 2021

Gundicha Khuntia and another ***Petitioners***
Mr. A. Tripathy, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. G.N. Rout, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.01.2022

Order No.

01. 1. This matter is taken up through Video Conferencing Mode.
2. Heard Mr. A. Tripathy, learned counsel for the Petitioners and Mr. G.N. rout, learned counsel for the State. Perused the F.I.R., case diary and other relevant documents on record.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The Petitioners are accused in 2(b) CC Case No.04 of 2021 on the file of learned S.D.J.M., Banki facing trial for the offence punishable under Section 2(2)(14), Sections 2/9/39/44/55 of the Wild Life Protection Act, 1972.
5. It has been alleged that the Petitioners are illegal wild life Pangolin traders and 289 pieces of Pangolin scales recovered from the possession of the Petitioners.
6. It is submitted on behalf of the Petitioners that the Petitioners are in custody since 16.11.2021 and they have no criminal antecedents.
7. Learned counsel for the State vehemently opposes the prayer

for bail of the Petitioner.

8. Having heard learned counsel for the parties and considering the period of detention of the Petitioners, it is directed that let the Petitioners be released on bail on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) each with one solvent surety each for the like amount to satisfaction of the learned court in seisin over the matter subject to conditions that the Petitioners shall not be involved in any similar nature of offence and they shall not tamper with the prosecution evidence in any manner whatsoever and shall not make any default in attending the court during trial on each date.

9. It is open for the court in seisin over the matter with such other conditions may deem just and proper.

10. It is further directed that the bail granted to the Petitioners is subject to the condition that learned court below shall verify whether the Petitioners have any criminal antecedents. In the event it is found that the Petitioners have any criminal antecedents, this bail order shall automatically be revoked.

The Bail Application is accordingly disposed of.

11. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Office Order dated 7th January, 2022.

