

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12386 of 2022

Gaya Mirdha and others

....

Petitioners

Mr. M.K. Mohapatro, Advocate

-versus-

State of Orissa

....

Opp. Party

Mr. P.K. Pattnaik, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

21.12.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is an application U/S. 439 of Cr.P.C. by the Petitioners for grant of bail in connection with Kishorenagar P.S. Case No.200 of 2022 corresponding to G.R. Case No. 1130 of 2022 pending in the file of learned S.D.J.M., Athmallik for commission of offences punishable U/Ss. 379/34 of IPC r/w Section-135 of the Electricity Act, on the allegation of setting up a trap charging electric line to poach wild animal.
3. In the course of hearing of the bail application, Mr. M.K. Mohapatro, learned counsel for the Petitioners submits that although the FIR has been lodged against the present Petitioners, but the fact remains that after detection of the poaching case in 2(b) CC Case No. 39 of 2022, in which nobody had seen the accused setting up any trap and poaching wild animal, the present FIR has come to be lodged, and all the offences are triable by the Magistrate First Class and punishable with maximum imprisonment for three years and co-accused persons standing on similar footing in 2(b) CC Case No. 39 of 2022, having already been granted bail in BLAPL No. 11546 of 2022, the present Petitioners may kindly be enlarged on bail.
4. On the other hand, Mr. P.K. Pattnaik, learned A.G.A. however, strongly opposes the bail application of the Petitioners.

5. Considering the rival submissions made, taking into consideration the nature and gravity of accusations raised against the Petitioners and regard being had to the pre-trial detention of the Petitioners and keeping in view the progress of investigation as well as release of co-accused persons on bail in 2(b) CC Case No. 39 of 2022 and the fact that the present FIR has been lodged after registration of the said case and charge-sheet having already been submitted, this Court admits the Petitioners to bail.

6. Hence, the prayer for the bail of the Petitioners stand allowed and the Petitioners are allowed to go on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the Petitioners shall attend the trial Court on each date of posting without fail unless their attendance are dispensed with and that the Petitioners shall report attendance before the jurisdictional Police Station once in a fortnight preferably on Sunday in between 10A.M. to 12 Noon for three months from the date of their release from the custody. The I.I.C., of jurisdictional Police Station shall not detain the Petitioners unnecessarily after recording their attendance beyond the time as stipulated.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the Petitioners without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.

8. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge