

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12592 of 2022

***Krushna Chandra Nayak and
others***

.... Petitioners

Mr. J. Sahoo, Advocate

-versus-

State of Orissa

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

CORAM:

JUSTICE G. SATAPATHY

ORDER

22.12.2022

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 2(b)CC Case No.09 of 2022 corresponding to O.R. Case No. 256 of 2022-23 pending in the file of learned J.M.F.C., Buguda for commission of offences punishable U/S. 51 of the Wild Life Protection Act, on the allegation of killing the wild elephant by getting it electrocuted in a trap charged with electric current in their paddy field.
 3. In the course of hearing of the bail application, Mr. J. Sahoo, learned counsel for the Petitioners submits that the Petitioners are no way connected with the crime and they are also ignorant about the person who had laid the trap with live electric wire in the paddy field, but even if, the materials on record are taken into consideration, only one thing would emerge that some trap of live electric wire were set up in the paddy field of the Petitioners and thereby, the Petitioners having not committed any offence may kindly be granted on bail.
 4. On the other hand, Mr. M.Mishra, learned A.S.C., vehemently opposes the bail application of the Petitioners.

5. Considering the rival submissions made and 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 as well as the age of the Petitioner No. 1 to be 75 years and keeping in view the fact that there is no direct evidence against the Petitioners for laying the trap with live electric wire in their paddy field and taking into account the other circumstance on record in entirety, this Court admits the Petitioners to bail.

6. Hence, the prayer for the bail of the Petitioners stands allowed and the Petitioners are allowed to go on bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) each 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 they shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case.

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