IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.12952 of 2025

Juma Khan and another **.....** ***Petitioners***

Represented by Adv. –
Mr. Prakash Kumar Mishra

-versus-

State of Odisha **.....** ***Opposite Party***

Represented by Adv. –

Ms. B.K. Sahu, AGA

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
18.12.2025

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel appearing for the Petitioners and learned Additional Government Advocate appearing for the State-Opposite Party. Perused the bail application as well as the documents therein.

3. The present bail application under Section 483 of B.N.S.S., 2023 has been filed by the Petitioners for regular bail in connection with C.T. Case No.712 of 2025, arising out of Athagarh P.S Case No.335 of 2025, pending in the court of learned S.D.J.M., Athagarh, for alleged commission of offence punishable under Sections 281/303(2)/109/3(5)

of B.N.S., 2023 read with Section 11 of the Prevention of Cruelty to Animals Act, 1960.

4. As per the F.I.R. allegation, while the Petitioners were transporting cattle in the Bolero Pick-Up Van, the police intervened and seized the same. It has also been alleged that at the time of such intervention of the police, two police personnel have sustained injuries. On the basis of the aforesaid allegation, the aforesaid F.I.R. was registered for commission of offences punishable under Sections 281/303(2)/109/3(5) of B.N.S., 2023 read with Section 11 of the Prevention of Cruelty to Animals Act, 1960.

5. Learned counsel for the Petitioners, at the outset, contended that the Petitioners are languishing in jail custody since 11.10.2025. He further contended that in the meantime investigation has progressed substantially and charge sheet is likely to be filed very soon. Learned counsel for the Petitioners further submitted that the Petitioners belong to the State of Odisha, therefore, there is no possibility of absconding from justice. He further submitted that the Petitioners do not have any criminal antecedent and that the injured has not sustained any injury. He further submitted that the Petitioners are lawfully transported cattle which they have purchased. On such ground, learned counsel for the Petitioners be released on bail on such terms

and conditions as would be deemed just and proper.

6. Learned counsel for the State, on the other hand, opposed the release of the Petitioners on bail on ground that investigation is on. She further contended that cases of illegal transportation of cattle are rise in the State of Odisha now-a-days. Therefore, no leniency should be shown to the Petitioners while considering the bail application. On such ground, learned counsel for the State prayed that the prayer for bail of the Petitioners be rejected at this juncture.

7. Having heard the learned counsels appearing for the respective parties and on a careful examination of the materials on record, as well as the surrounding facts and circumstances of the present case, further taking note of the seriousness and gravity of the allegation, this Court is inclined to release the Petitioners on bail.

8. Hence, it is directed that the Petitioners be released on bail in the aforesaid case on furnishing bail bond of Rs.35,000/- (Rupees Thirty Five Thousand) each with two local solvent sureties each for the like amount to the satisfaction of the court in seisin over the matter. The release of the Petitioners shall also be subject to such other terms and conditions as would be fixed by the court in seisin over the matter. Violation of any of the conditions shall entail cancellation of bail.

9. It is further directed that the release of the Petitioners shall be subject to verification of injury as well as criminal antecedent of the Petitioners. In the event it is found that the Petitioners are having any similar criminal antecedent or that the injury sustained by injured is grievous in nature, then this order shall automatically stand revoked.

10. The BLAPL is, accordingly, disposed of.

Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

Debasis

Signature Not Verified
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Reason: Authentication
Location: ORISSA HIGH COURT
Date: 22-Dec-2025 13:01:11