

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.262 of 2022

Sita Behera and another

....

Petitioners

Mr. R.K.Pradhan, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

25.07.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
 3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.
 4. The petitioners are seeking pre-arrest bail in connection G.R. Case No.1868 of 2021, arising out of Angul Sadar P.S. Case No.861 of 2021 pending in the court of learned S.D.J.M., Angul for commission of offence punishable under Sections 498-A/294/323/506/34 of I.P.C.
 5. Considering the nature of allegations and gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioners. However, it is observed that, in the event the petitioner surrenders before the learned Court in seisin over the within a period of three weeks from today, the petitioner No.1, Sita Behera shall be released on bail on such terms and conditions as the learned Magistrate

may deem fit and proper.

6. However, on the submission of the learned counsel, the petitioner No.2, Dukhabandhu Behera is given liberty to surrender before the court in seisin over the matter in the aforesaid case in the first hour within 21 working days hence and move for bail. On such event, the learned Magistrate shall consider his application for bail in the first hour strictly on the basis of materials on record. In case of rejection of the bail application, the petitioner No. 2, Dukhabandhu Behera may move for bail before the higher forum in the second hour. On such event, the higher forum shall consider and dispose of the bail application of the petitioners on the same day strictly on the basis of the materials on record.

7. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the petitioners, if applied for.

8. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

(*A.K. Mohapatra*)
Judge