

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.319 of 2022

1. Rafagat @ Sk. Rephaket
2. Sk. Heki @ Sk.
Hekimuddin
3. Sk. Seduru
4. Sk. Chuturu
5. Sk. Abdulu
6. Bekrudi @ Mallik
Bekhiruddin **Petitioners**

Mr. P.K. Mishra, Advocate

-versus-

1. State of Odisha
2. Smt. Manjulata Jena **Opp. Parties**

Mr. D.K. Pani,
Addl. Standing Counsel
Mr. J.K. Majhi, Advocate for the
informant

CORAM:
JUSTICE S.K. SAHOO

ORDER
27.04.2022

Order No.

03. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

None appears on behalf of the informant.

Heard the learned counsel for the petitioners and learned counsel for the State.

This is an application under section 438 of Cr.P.C. for grant of anticipatory bail to the petitioners in connection with Baisinga P.S. Case No.373 of 2021 corresponding to G.R. Case No.97 of 2021 pending in the

Court of learned Sessions Judge -cum- Special Court (S.C. & S.T.) (PoA), Mayurbhanj at Baripada for commission of the alleged offences punishable under sections 148/324/325/307/153-A/149 of the Indian Penal Code read with sections 3(1)(r)(s)/3(2)(v) of the S.C. & S.T. (PoA) Act.

Perused the first information report annexed to the anticipatory bail application.

Learned counsel for the petitioners submitted that the petitioners have been falsely entangled in the case and prior to the institution of the case against them, Baisinga P.S. Case No.371 of 2021 was instituted against the son of the informant for assaulting to one Sk. Jalan, which has turned to one under section 302 of the Indian Penal Code at the instance of Emarun Bibi. Learned counsel further submitted that there are no such materials against the petitioners so as to attract the ingredients of the offence under section 307 of the Indian Penal Code and therefore, the anticipatory bail application of the petitioners may be favourably considered.

Learned counsel for the State, on the other hand, submitted that the injured is one Saroj Kumar Jena and he has sustained grievous injury and each of the petitioners has got one criminal antecedent.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioners and the criminal antecedent, while not inclining to release the petitioners on anticipatory bail, it is observed that in the event the petitioners surrender in the Court below within a period of four weeks from today

and move for bail, the same shall be disposed of as expeditiously as possible by the Court below in accordance with law and claim of parity with the co-accused persons, who are stated to have been released on bail, shall be taken into account at the time of adjudication of the bail application. The case records shall be made available to the Court concerned.

The ABLAPL is accordingly disposed of.

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

(S.K. Sahoo)
Judge



RKM