

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 627 of 2022

Niranjan Bhuyan

.... ***Petitioner***
Mr.N.R.Panda, *Advocate*

-versus-

State of Odisha

.... ***Opposite Party***
Mr.P.C.Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

27.07.2022

Order No.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for both the parties and perused the records.
3. The Petitioner No.5 is apprehending arrest for the alleged commission of offence under Sections 307, 341, 324, 427, 294, 506/34 of the Indian Penal Code in C.T.Case No.147 of 2022 of the Court of the learned S.D.J.M., Bhubaneswar, arising out of Sahidnagar P.S.Case No.11 of 2022.
4. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioner No.5.
5. However, on the submission of the learned counsel, the Petitioner No.5 is given liberty to surrender before the learned S.D.J.M., Bhubaneswar 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 the materials on record. In case of rejection of the bail application, the Petitioner No.5 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 Petitioner on the same day strictly on the basis of the materials on record..

6. 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.

7. Learned counsel for the Petitioner Nos. 1 to 4 submits that the Petitioner No.1 to 4 are simple and innocent persons and have been falsely implicated in this case. From the contents of the F.I.R. it is found that the informant has not sustained injury by the assault of the Petitioners.

8. Considering the nature of allegations made, gravity of the offence and the fact of the case, I am not inclined to grant anticipatory bail to the Petitioner Nos.1 to 4. However, it is directed that in the event the Petitioner Nos. 1 to 4 surrender before the learned S.D.J.M., Bhubaneswar in C.T. Case No.147 of 2022 arising out of Sahidnagar P.S. Case No.11 of 2022 within a period of three weeks from today and move for bail, they shall be released on bail on such terms and conditions as would be deemed just and proper by the learned Magistrate and subject to verification of criminal antecedents of similar nature.

9. The ABLAPL is accordingly disposed of.

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

