

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 1055 of 2022

***Kanha Naik @ Kanhu Charan Naik
& another***

Petitioners

Mr.Sachidananda Padhee,*Advocate*

-versus-

State of Odisha

***.... Opposite Party
Mr.K.K.Nayak, A.S.C.***

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

04.02.2022

Order No.

1. This matter is taken up through Video Conferencing mode.
2. Heard learned counsel for both the parties and perused the records.
3. The Petitioners are apprehending arrest for the alleged commission of offence under Sections 417, 493, 506/34 of the Indian Penal Code in G.R.Case No.364 of 2021 of the Court of the learned J.M.F.C., Barpali arising out of Barpali P.S.Case No.374 of 2021.
4. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioners.
5. However, on the submission of the learned counsel, the Petitioner No.1 is given liberty to surrender before the learned J.M.F.C., Barpali 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.1 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 Petitioner No.1, if applied for.

7. Considering the nature of allegations, gravity of offence and fact of the case, I am not inclined to grant anticipatory bail to the Petitioner No.2-Tarachand Naik. However, it is directed that in the event the Petitioner No.2-Tarachand Naik surrenders and moves bail before the learned J.M.F.C., Barpali in G.R. Case No.364 of 2021 arising out of Barpali P.S. Case No.374 of 2021, Petitioner No.2-Tarachand Naik shall be released on bail on such terms and conditions as the learned J.M.F.C., Barpali may deem just and proper.

8. The ABLAPL is accordingly disposed of.

9. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Court's Notice No.4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

RKS

(A.K. Mohapatra)
Judge