

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1170 of 2022

Umesh Chandra Das and others ***Petitioners***
Mr. S. Pr. Mishra, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. S. Patra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

22.08.2022

Order No.

- 03.
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 with C.T. Case No.26 of 2022, arising out of I.C.C. No.191 of 2021 pending in the court of learned J.M.F.C., Basta for commission of offence punishable under Sections 498-A/323/376/511/506/34, I.P.C.
 5. Considering the nature of allegation, gravity of offence and the facts of the case, I am not inclined to grant anticipatory bail to the petitioner no.2-Prabhuram Das and petitioner no.3-Pramila Das. However, it is directed that in the event the petitioner no.2-Prabhuram Das and petitioner no.3-Pramila Das surrender before the learned court in seisin over the matter within a period of three weeks from today, they shall not harass, torture, threaten or terrorize the informant and his/her family members in any manner whatsoever while on bail, they

shall cooperate with the Investigating Officer as and when required for the purpose of investigation, they shall not default in attendance of the trial court on each every date and they shall cooperate with the Investigating Officer as and when required for the purpose of investigation.

Violation of any of the terms and conditions shall entail cancellation of bail.

6. So far as petitioner no.1-Umesh Chandra Das is concerned. However, on the submission of the learned counsel, both the petitioner nos.1 and 6 are given liberty to surrender before the learned J.M.F.C., Basta 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-Umesh Chandra Das 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 no.1-Umesh Chandra Das 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 petitioner, if applied for.

8. The ABLAPL is accordingly disposed of.

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

(A.K. Mohapatra)
Judge