

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1375 of 2022

Sunil Kumar Lohar and others ***Petitioners***
Mr. C.R. Satapathy, Advocate

-versus-

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

04.08.2022

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 petitioner for anticipatory bail.
 4. The petitioners are seeking pre-arrest bail in connection C.T. Case No.406 of 2021 arising out of Khariar P.S. Case No.417 of 2021 pending in the court of learned J.M.F.C., Khariar for commission of offence punishable under Section 498-A/323/307/506/34, I.P.C. read with Section 4 of the D.P. Act.
 5. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioners. However, it is directed that in the event the petitioner nos.2 to 5 surrender before the learned court in seisin over the matter in the aforesaid case within a period of three weeks from today, aforesaid petitioner nos.2 to 5 shall be released on bail on such terms

and conditions as the learned Magistrate may deem just and proper.

6. However, on the submission of the learned counsel, the petitioner no.1-Sunil Kumar Lohar 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 applications, the petitioner no.1-Sunil Kumar Lohar 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-Sunil Kumar Lohar on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

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. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge