

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1748 of 2022

Chitrasen Badanayak & Others **Petitioners**
Mr. Sangram Keshari Rout, Advocate
-versus-
State of Odisha **Opposite Party**
Mr. M.K. Mohanty, A.S.C.

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
13.09.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 147/148/457/427/436/149, I.P.C.
4. Learned counsel for the Petitioners submits that a group of villagers rushed to the house of the Informant to attack him, but the Informant escaped from the house. He further submits that, during group tussles one of the family members of the Informant committed murder of a villager from that group, as a result of which the villagers got enraged and damaged the household properties and set fire on the house of the Informant. It is further submitted by learned counsel for the Petitioners that the allegations are omnibus in nature.

5. Learned counsel for the State on the other hand submits that, no doubt the alleged incident had taken place. However, he submits that none of the present Petitioners (accused) have any criminal antecedent other than the present case.

6. Considering the seriousness of the allegation, gravity of the offence and the facts of the case, although I am not inclined to grant anticipatory bail to the Petitioners, however it is observed that, in the event the Petitioners surrender and move for bail before the learned J.M.F.C., Lamtaput in G.R. Case No.51 of 2021 corresponding to Machhakund P.S. Case No.84 of 2021 within a period of three weeks from today, they shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper in the facts and circumstances of the case.

7. The ABLAPL is disposed of accordingly.

8. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge