

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2153 of 2022

1. Lingaraj Kabi
2. Debendra Kabi
3. Siba Prasad Kabi
4. Subash Naik
5. Niranjan Naik **Petitioners**

Mr.P. Panigarhi, Advocate

-versus-

State of Odisha **Opp. Party**

Mrs. Susamarani Sahoo,
Addl. Standing Counsel

CORAM:
JUSTICE S.K. SAHOO

ORDER

16.03.2022

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard the learned counsel for the petitioners and learned counsel for the State.

This is an application under section 438 of Cr.P.C. for grant of anticipatory bail to the petitioners in connection with Nihalprasad P.S. Case No. 41 of 2022 corresponding to G.R. Case No. 79 of 2022 pending in the Court of learned J.M.F.C., Gondia for the commission of the alleged offences punishable under sections 341, 294, 323, 325, 307/34 of the Indian Penal Code.

Learned counsel for the State submitted that some of the co-accused persons were taken into custody and they have already been released on bail and therefore, the petitioners may be permitted to surrender before the Court below and move for bail and the claim of parity may be taken into account.

Learned counsel for the State has no objection.

Considering the submissions made by the learned counsel for the respective parties, while not inclining to grant anticipatory bail to the petitioners, it is observed that in the event the petitioners surrender and move for bail in the Court below within a period of four weeks from today, the same shall be disposed of by the learned Courts below in accordance with law expeditiously and the claim of parity with the co-accused stated to have been released on bail shall be taken into account. The case records shall be made available to the Courts concerned for disposal of the bail application.

The ABLAPL stands disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

PKSahoo