

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2254 of 2022

***Umakanta Mohanty @ Mantu &
others***

Petitioners

Mr. J.K. Mohapatra, Advocate

-versus-

State of Odisha

Opposite Party

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

16.10.2023

Order No.

05. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).

I.A. No.2006 of 2023

2. Heard learned counsel for the Petitioners as well as learned Addl. Standing Counsel for the State.
3. Considering the submissions made, the order dated 12.08.2022 is hereby recalled.
4. Accordingly, the I.A. is disposed of.

ABLAPL No.2254 of 2022

5. Heard learned counsel for both the parties and perused the records.
6. The Petitioner Nos.3, 6 & 11 are apprehending arrest for the alleged commission of offence under Sections 452/427/325/380/307/34 of the Indian Penal Code in G.R. Case No.166 of 2022 of the Court of the learned J.M.F.C., Chandbali, arising out of Bansada P.S. Case No.67 of 2022.

7. It is stated by the learned counsel appearing for the Petitioner Nos.3, 6 & 11 that some of the co-accused persons have been released on bail by the Trial Court.

8. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioner Nos.3, 6 & 11.

9. However, on the submission of the learned counsel, the Petitioner Nos.3, 6 & 11 are given liberty to surrender before the learned J.M.F.C., Chandbali 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 their 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 Nos.3, 6 & 11 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 Nos.3, 6 & 11 on the same day strictly on the basis of the materials on record, by maintaining the principles of parity, if applicable. Learned Court below while considering the bail application of the Petitioner Nos.3, 6 & 11 taking into consideration the charge-sheet and discharge certificate.

10. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the Petitioner Nos.3, 6 & 11, if applied for.

11. The ABLAPL is accordingly disposed of.

12. Issue urgent certified copy of the order as per Rules.

(A.K Mohapatra)
Judge

Anil

Signature Not Verified

Digitally Signed
Signed by: ANIL KUMAR SAHOO
Designation: Junior Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 25-Oct-2023 15:22:50

