

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2713 of 2022

Jagannath Naik & others

.... ***Petitioner***
Mr.J.N.Panda, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr.S.Patra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

16.08.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for both the parties and perused the records.
 3. It is submitted by the learned counsel for the Petitioners that there exist a dispute between the Petitioners and the informant group, as a result of which case and counter case have been filed. It is submitted by the learned counsel for the Petitioners that the F.I.R. lodged by them has been registered under section 307 of the Indian Penal Code. As a result of house burning no damage has been caused.
 4. The Petitioners are apprehending his arrest for the alleged commission of offence under Sections 294, 323, 324, 341, 379, 307,

506/34 of the Indian Penal Code in G.R.Case No.49 of 202 arising out of Khandapda P.S.Case No.51 of 2022 of the Court of the learned J.M.F.C., Khandapada.

5. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioners.

6. However, on the submission of the learned counsel, the Petitioners are given liberty to surrender before the learned J.M.F.C., Khandapada 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 Petitioners 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 Petitioners 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 Petitioners, if applied for.

8. The ABLAPL is accordingly disposed of.

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

(A.K. Mohapatra)
Judge

