

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2786 of 2022

Satya Narayan Barik and others ***Petitioners***
Mr. Damodar Patra, Advocate
-versus-

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

05.09.2022

Order No.

- 08.
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 petitioners for anticipatory bail.
 4. The petitioners are seeking pre-arrest bail in connection with G.R. Case No.803 of 2021, arising out of U.P.D. Cuttack Sadar P.S. Case No.201 of 2021 pending in the court of learned J.M.F.C.(R), Cuttack for commission of offence punishable under Sections 498-A/294/323/307/506/34, I.P.C. read with Sections 4 and 6 of the D.P. Act.
 5. Considering the nature of allegation, gravity of offence and the facts of the case, I am not inclined to grant anticipatory bail to the petitioner no.2-Nanda Kishore Barik and petitioner no.3-Sanjulata Barik. However, it is directed that in the event the petitioner no.2-Nanda Kishore Barik and petitioner no.3-Sanjulata Barik surrender before the learned court in seisin over the matter within a period of three weeks from today, they shall be released on bail on such terms

and conditions as would be deemed just and proper with further conditions that they shall cooperate with the Investigating Officer as and when required for the purpose of investigation and they shall not default in attendance of the court during trial on each date of posting.

Violation of any of the terms and conditions shall entail cancellation of bail.

6. So far as petitioner no.1-Satya Narayan Barik is concerned. However, on the submission of the learned counsel, both the petitioner no.1-Satya Narayan Barik is given liberty to surrender before the learned J.M.F.C.(R), Cuttack 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 no.1-Satya Narayan Barik 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-Satya Narayan Barik 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.

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

(A.K. Mohapatra)
Judge