

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3243 of 2022

1. Rakesh Kumar Nayak

2. Chintamani Apata

3. Kanha Pallei

4. Akhaya Kumar Nayak

5. Maheswar Nayak

6. Rakesh Parida

.... Petitioners

Mr. P.K. Pattnaik, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr. J.P. Patra,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
05.05.2022**

Order No.

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

Learned counsel for the petitioners submitted that the petitioners nos.1, 2 and 3, namely, Rakesh Kumar Nayak, Chintamani Apata and Kanha Pallei respectively have already been arrested.

In view of such submission, this anticipatory bail application so far as petitioners nos.1, 2 and 3 has become infructuous and accordingly, disposed of.

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

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in connection with Belaguntha P.S. Case No.63 of 2022 corresponding to G.R. Case No.299 of 2022 pending in the Court of learned S.D.J.M., Bhanjanagar for alleged commission of offences under sections 147/148/323/324/325/307/149 of the Indian Penal Code.

Perused the first information report annexed to the anticipatory bail application.

Learned counsel for the State submitted that there are two injured persons in this case and one is Kasturi Nayak has sustained simple injury but so far as injured Dibakar Nayak is concerned, he has sustained three fracture injuries.

In view of the nature and gravity of the accusation, while not inclining to release the petitioners nos.4, 5 and 6 on anticipatory bail, it is observed that in the event the petitioners nos.4, 5 and 6, namely, Akhaya Kumar Nayak, Maheswar Nayak and Rakesh Parida respectively surrender in the Court below within a period of four weeks from today and move for bail, the same shall be disposed of as expeditiously as possible by the Court below in accordance with law and claim of parity with the co-accused persons, who are stated to have been released on bail, shall be taken into account at the time of adjudication of the bail application. The case

records shall be made available to the Court concerned.

The ABLAPL is accordingly disposed of.

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

(S.K. Sahoo)
Judge

RKM

