

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3514 of 2022

Bhagaban Pradhan and others ***Petitioners***
Mr. R.K. Nayak, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. P.C. Das. A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

25.07.2022

Order No.

01. 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.126 of 2022, Baideswar P.S. Case No.43 of 2022 pending in the court of learned S.D.J.M., Banki for commission of offence punishable under Section 147/148/149/323/395/427/436/506, I.P.C.
5. It is submitted by learned counsel for the petitioners that he does not want to press the bail application of the petitioner no.1-Bhagaban Pradhan. Accordingly, the bail application of petitioner no.1-Bhagaban Pradhan is dismissed as not pressed.
6. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioner no.12-Rabindra Kuamr Das and Petitioner No.13-Sankar

Dash. However, it is directed that in the event the petitioner no.12-Rabindra Kuamr Das and Petitioner No.13-Sankar Dash surrender before the learned court in seisin over the matter in the aforesaid case within a period of three weeks from today, aforesaid petitioner no.12-Rabindra Kuamr Das and Petitioner No.13-Sankar Dash shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper.

7. However, on the submission of the learned counsel, the petitioner nos.2 to 11 are given liberty to surrender before the court in seisin over the matter 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 her application for bail in the first hour strictly on the basis of materials on record. In case of rejection of the bail applications, the petitioner nos.2 to 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.2 to 11 on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

8. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the petitioner, if applied for.

9. Accordingly, the ABLAPL is disposed of.

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