

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3549 of 2022

Sagar Das & others

....

Petitioners

Mr.Dibya Jyoti Sahoo,Advocate

-versus-

State of Odisha

....

Opp.Party

Mr.M.K.Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

17.08.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioners and the learned Additional Standing Counsel. Perused the records.
 3. This is an application under Section 438 Cr.P.C. filed by the Petitioners for anticipatory bail.
 4. It is submitted by the learned counsel for the Petitioner Nos.1,3 & 4 that the allegations made against the Petitioner Nos.1,3 & 4 do not make out a case against them. It is further submitted by the learned counsel for the Petitioners that the Petitioner Nos.1,3 & 4 are innocent persons and no way involved in any alleged crime.
 5. Considering the nature of allegations made, gravity of the offence and the fact of the case, I am not inclined to grant anticipatory bail to the Petitioner Nos.1,3 & 4. However, it is directed

that in the event the Petitioner Nos.1,3 & 4 surrender before the learned S.D.J.M., Kendrapara in G.R.Case No.2692 of 2021 arising out of Nikirei P.S.Case No.219 of 2021 within a period of three weeks from today and moves for bail, he shall be released on bail on such terms and conditions as would be deemed just and proper by the learned Magistrate with further conditions that the Petitioners Nos.1,3 & 4 while on bail shall not threaten, influence, terrorise or harass the informant in any manner whatsoever.

6. The Petitioner No.2 is apprehending his arrest for the alleged commission of offence under Sections 498-A,294,323,324,506/34 of the Indian Penal Code in G.R.Case No.2692 of 2021 arising out of Nikirei P.S.Case No..219 of 2021 of the Court of the learned S.D.J.M., Kamakhyanagar.

7. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioner No.2.

8. However, on the submission of the learned counsel, the Petitioner No.2 is given liberty to surrender before the learned S.D.J.M., Kendrapara in the aforesaid case in the first hour within 21 working days hence and moves 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.2 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.2 on the same day strictly on the basis of the materials on record, by maintaining the principles of parity, if applicable.

9. Case Diary be made available to the concerned courts. Records

be transmitted to the higher forum at the cost of the Petitioner No.2, if applied for.

10 The ABLAPL is accordingly disposed of.

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

(A.K. Mohapatra)
Judge

RKS

