

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3884 of 2022

Dinabandhu Behera and others *Petitioners*
Mr. U.R. Jena, Advocate
-versus-
State of Odisha *Opp. Party*
Mr. S. Patra, A.S.C.
Mr. D.Pr. Pattanaik, Advocate for the
informant

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
24.08.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioners and 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 C.T. Case No.158 of 2022, arising out of Nilgiri P.S. Case No.106 of 2022 pending in the court of learned S.D.J.M., Nilgiri for commission of offence punishable under Sections 341/294/323/325/ 506/307/34, I.P.C.
 5. Learned counsel for the petitioners submits that he does not want press the bail application of petitioner no.2. Accordingly, the bail application of the petitioner no.2 stands disposed of as not pressed.
 6. 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.4-Saraswati Behera and petitioner no.5-Damayanti Behera. However, it is directed that in the event the petitioner no.4-Saraswati Behera and petitioner no.5-Damayanti Behera 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.

7. So far as petitioner no.1 and petitioner no.3 are concerned. However, on the submission of the learned counsel, both the petitioner nos.1 and 3 are given liberty to surrender before the learned S.D.J.M., Nilgiri 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 his 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 nos.1 and 3 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.

8. 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.

9. The ABLAPL is accordingly disposed of.

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

(A.K. Mohapatra)
Judge