

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3959 of 2022

***Ananta Sahu @ Anata Ch Sahu &
Others***

.... ***Petitioners***

Mr. Kuldeep Mohanty, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr. Shashank Patra, A.S.C.

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
22.08.2022**

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners as well as learned Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offences punishable under Sections 341/323/435/294/354-B/427/447/448/506/34, I.P.C.
4. Considering the seriousness and gravity of the offence as alleged and the facts of the case, although this Court is not inclined to grant anticipatory bail to the Petitioners, however considering the age of Petitioner No.1, it is observed that, in the event Petitioner No.1 – Ananta Sahu @ Anata Ch. Sahu surrenders and moves for bail before the learned S.D.J.M., Udala in C.T. Case No.944 of 2021 corresponding to Khunta P.S. Case No.306 of 2021 within a period of three weeks from today, he shall be released on bail on such terms

and conditions as the learned Magistrate may deem just and proper in the facts and circumstances of the case.

5. However, so far as Petitioner Nos.2, 3 & 4 namely Nirmal Kabi, Abhijit Jena @ Abhijeet Jena and Ranjan Kumar Nayak are concerned, they are given liberty to surrender before the learned S.D.J.M., Udala in the aforesaid C.T. Case in the first hour within 21 working days hence and move for bail. In such event, the learned Magistrate shall consider the bail application of the said Petitioners in the first hour of the day, strictly on the basis of the materials on record. In case of rejection of the bail application by the learned Magistrate, Petitioner Nos.2, 3 & 4 may move for bail before the higher forum in the second hour of the same day. In that event, the higher forum shall consider and dispose of the bail application of Petitioner Nos.2, 3 & 4 on the same day on merit, strictly on the basis of the materials available on record. Ground of parity, if canvassed by the learned counsel for the Petitioners, shall be taken into consideration by the learned Courts below while considering the bail application of Petitioner Nos.2, 3 & 4 in accordance with law.

6. The ABLAPL is disposed of accordingly.

7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge