

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.4425 of 2022

Amina @ Amulya Majhi & others ***Petitioners***
Mr. P.K.Sahoo, Advocate

-versus-

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
29.01.2024

Order No.

07. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
- I.A. No.2763 of 2023**
2. Heard learned counsel for the Petitioner as well as learned Addl. Standing Counsel for the State.
3. Considering the submissions made, the order dated 02.09.2022 is hereby recalled and the following order is passed.
4. The Petitioners are apprehending arrest for the alleged commission of offence under Sections 341/294/506/325/326/307/354/354(B)/34 of the Indian Penal Code in G.R.Case No.855 of 2022 of the Court of the learned J.M.F.C.(R), Cuttack, arising out of Tangi P.S.Case No.74 of 2022.
4. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioners.
5. However it is observed that, in the event the Petitioners surrender and move for bail within a period of four weeks from

today, they 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.

6. However, on the submission of the learned counsel, the Petitioner is given liberty to surrender before the learned J.M.F.C.(R), Cuttack, 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 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 Petitioners 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, by maintaining the principles of parity, if applicable.

7. 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.

8. The I.A. is accordingly disposed of.

9. Issue urgent certified copy of this order as per Rules.

(A.K Mohapatra)
Judge

Rubi

Signature Not Verified

Digitally Signed
Signed by: RUBI BEHERA
Reason: Authentication
Location: High Court of Orissa
Date: 05-Feb-2024 11:08:15

