

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 4639 OF 2022

Babul Bal & Others

..... *Petitioners*
Mr. R.N. Prusty, Advocate

-versus-

State of Odisha

..... *Opposite Party*
Mr. K.K. Gaya, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
20.05.2022

Order No.
01.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. The petitioners are seeking pre-arrest bail in connection with Aul P.S. Case No. 258 of 2021 corresponding to T.R. Case No. 120 of 2021, pending on the file of the Learned District & Sessions Judge-cum-Special Court, Kendrapara for commission of offence under Sections- 341/323/294/506/307/34, I.P.C read with Section 3 (1)(r)/3 (1)(s)/3(2)(va) of SC & ST (POA) Act .
5. In the light of the order passed by this Court in the case of ***Pramod Kumar Ray and Others vrs. State of Odisha, reported in (2017) 67 OCR -309***, this ABLAPL is disposed of with the following observations.

5-1. The petitioner shall surrender before the learned District & Sessions Judge-cum-Special Court, Kendrapara in T.R. Case No. 120 of 2021 corresponding to Aul P.S. Case No. 258 of 2021 within two weeks from today. Seven days before the petitioners surrender before the said Court, Petitioners or his counsel shall serve a copy of the bail application or such number of copies of the bail application on the learned Public Prosecutor/Special Public Prosecutor, as required by him, for the purpose of notice to the victim and his/her dependent. On the date of surrender of the petitioners, the Public Prosecutor/Special Public Prosecutor shall be ready with the Case Diary and other relevant case records of the Case.

6. It shall be open to the learned Special Judge to independently take into account the materials on record and considered the prayer for grant of interim bail in favour of the petitioners, keeping in view the gravity of the offence. Learned Special Judge is also called upon to consider, if the offence as alleged are ex-facie made out against the petitioners or not.

7. In the event, learned Special Judge decides to grant interim bail to the petitioners, they shall be released on the same day, on surrendering within three weeks hence. The learned Court in seisin over the matter to fix the terms and conditions as deemed just and proper including the following additional conditions:-

- (1) the petitioners shall appear before the I.O. once in a week on the day and time fixed by the said I.O. until further order by the Learned Special Judge;
- (2) the petitioners shall not threaten, induce or coerce any witness of this case or the victim or his/her dependent in any manner whatsoever; and
- (3) the petitioners shall not involve themselves in similar or any other offence during currency of this order.

8. In the event, the interim bail is granted to the petitioners, the matter shall be finally heard on merits within **two weeks** of appearance of the victim.

9. The ABLAPL accordingly stands disposed of.

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

Balaram

*(V.Narasingh)
Judge*