

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10954 of 2022

***Narayan Pradhan @ Babul
Pradhan and another***

....

Petitioners

Mr. S.N.Mishra, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr.P.C.Das,A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

12.09.2022

Order No.

- 01.
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 Petitioners that the Petitioners and the informant belong to same village and out of previous disputes the present F.I.R. has been lodged against the Petitioners.
 5. Considering the nature of allegations made, gravity of the offence and the facts of the case, I am not inclined to grant anticipatory bail to the Petitioner No.2. However, it is directed that

in the event the Petitioner No.2 surrenders before the learned J.M.F.C., Nimapara in G.R.Case No.801 of 2022 arising out of Nimapara P.S.Case No.285 of 2022 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.

6. The Petitioner No.1 is apprehending his arrest for the alleged commission of offence under Sections 341,294,323,506/34 of the Indian Penal Code read with Sections 66 and 67 of the I.T. Act in G.R.Case No.801 of 2022 arising out of Nimapara P.S. Case No.285 of 2022 of the Court of the learned J.M.F.C., Nimapara.

7. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioner No.1

8. However, on the submission of the learned counsel, the Petitioner No.1 is given liberty to surrender before the learned J.M.F.C., Nimapara 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 No.1 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.1 on the same day strictly on the basis of the materials on record.

9. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the Petitioner No.1, if applied for.

10. Accordingly, the ABLAPL is disposed of.
11. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

RKS

