

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 5245 OF 2022

Tebu@ Laxmidhar Nayak and others

..... Petitioners

Mr. B.K. Biswal, Adv.

-versus-

State of Odisha and others

..... Opposite Parties

Mr. P. Tripathy, ASC

CORAM:

JUSTICE V. NARASINGH

ORDER
07.06.2022

Order No.

01.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the parties.
3. The petitioners are seeking pre-arrest bail in connection with Kanpur P.S. Case No. 39 of 2022 corresponding to C.T. Case No. 29 of 2022, pending on the file of the learned Presiding Officer Special Court under SC & ST (Prevention of Atrocities) Act, Cuttack for commission of the offence under Sections 341/ 323/ 294/ 325/ 354/436/506/34 of the I.P.C. and under Section 3(1)(r)/3 (1)(s)/3(2)(va) of the Scheduled Castes & Scheduled Tribes(Prevention of Atrocities) Act.
4. 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. The petitioners shall surrender before the learned Presiding Officer Special Court under SC & ST (Prevention of Atrocities) Act, Cuttack, in C.T. Special Case No. 29 of 2022 arising out of Kanpur P.S. Case No. 39 of 2022 within three weeks from today. Seven days before the petitioners surrender before the said Court, petitioners or their 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.

6. Taking into consideration the nature of the offence as alleged against the petitioners, it is directed that the petitioners shall be released on **interim bail** by the learned Presiding Officer Special Court under SC & ST (Prevention of Atrocities) Act, Cuttack, on the same day they surrender in the aforesaid case, pending disposal of the bail application on merit, on such terms and conditions as deemed just and proper, including the following conditions:-

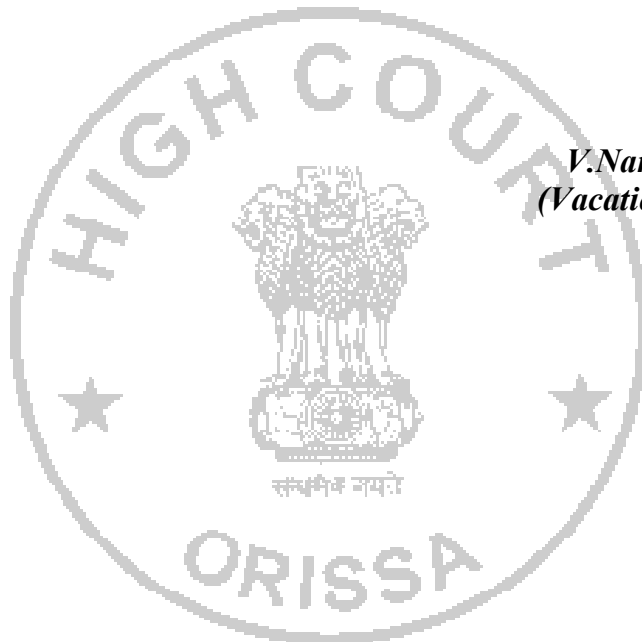
i) the petitioners shall appear before the I.O. once in a week on the day and time fixed by the said I.O. until further order by the learned Special Judge;

ii) 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

iii) the petitioners shall not involve themselves in similar or any other offence during currency of this order.

7. Within two weeks of appearance of the victim and/or informant, the matter shall be considered on its own merits.
8. Ground of parity, if any, may be considered by the learned Court below on same being canvassed by learned counsel for the petitioners at the time of consideration of the bail application.
9. The ABLAPL accordingly stands disposed of.
10. Urgent certified copy of this order be granted as per rules.

Dhal



*V.Narasingh
(Vacation Judge)*