

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.5325 of 2022

Krushna Behera and others ***Petitioners***

Ms. C. Kasturi, Advocate

-versus-

State of Odisha ***Opp. Party***

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

16.08.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
 3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.
 4. The petitioners are seeking pre-arrest bail in connection with G.R. Case No.375 of 2022, arising out of Astaranga P.S. Case No.108 of 2022 pending in the court of learned S.D.J.M., Nimapara for commission of offence punishable under Sections 341/323/294/324/325/307/354/379/506/34, I.P.C.
 5. It is submitted by learned counsel for the petitioners that the petitioner no.2-Bishnu Behera and petitioner no.5-Swadhin Behera have been arrested. So far as the anticipatory bail of the petitioner nos2 and 5 are concerned, their bail application has become

infructuous.

6. Considering the nature of allegation, gravity of offence and the facts of the case, I am not inclined to grant anticipatory bail to the petitioner no.1-Krushna Behera, petitioner no.3-Lingaraj Behera, petitioner no.4-Chabi Behera @ Chabindra and petitioner no.7-Pabitra Behera. However, it is directed that in the event the petitioner no.1-Krushna Behera, petitioner no.3-Lingaraj Behera, petitioner no.4-Chabi Behera @ Chabindra and petitioner no.7-Pabitra Behera surrender before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, they shall be released on bail on such terms and conditions as would be deemed just and proper.

7. So far as petitioner no.6-Mithuna Behera and petitioner no.8-Manguli Behera are concerned. However, on the submission of the learned counsel, both the petitioner nos.6 to 8 are given liberty to surrender before the learned S.D.J.M., Nipara 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 petitioner no.6-Mithuna Behera and petitioner no.8-Manguli Behera 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.6-Mithuna Behera and petitioner no.8-Manguli Behera on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

8. 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.

9. The ABLAPL is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

Jagabandhu

(*A.K. Mohapatra*)
Judge

