

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.5591 of 2022

Sanat Kumar Swain & Others ***Petitioners***
Mr. Ranjan Kumar Nayak, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. Shashank Patra, A.S.C.

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
23.08.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners as well as learned Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offences punishable under Sections 341/294/323/354-A/509/307/506/34, I.P.C. and Section 25(1-B)(a) of Arms Act.
4. Considering the seriousness and gravity of the offence as alleged and the facts of the case, although this Court is not inclined to grant anticipatory bail to the Petitioners, however it is observed that, in the event Petitioner Nos.2, 3 & 4 namely Sri Tapan Kumar Swain, Bikan @ Bikram Swain & Romu @ Sakti Sworup Rout respectively surrender before the learned J.M.F.C.(O), Bhubaneswar in G.R. Case No.370 of 2022 corresponding to Baliana P.S. Case No.127 of 2022 within a period of three 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.

5. However, so far as Petitioner No.1 – Sri Sanat Kumar Swain is concerned, he is given liberty to surrender before the learned J.M.F.C.(O), Bhubaneswar in the aforesaid G.R. Case in the first hour within 21 working days hence and move for bail. In such event, the learned Magistrate shall consider the bail application of Petitioner No.1 in the first hour of the day, strictly on the basis of the materials on record. In case of rejection of the bail application by the learned Magistrate, Petitioner No.1 may move for bail before the higher forum in the second hour of the same day. In that event, the higher forum shall consider and dispose of the bail application of Petitioner No.1 on the same day on merit, strictly on the basis of the materials available on record. Ground of parity, if canvassed by the learned counsel for the Petitioners, shall be taken into consideration by the learned Courts below while considering the bail application of Petitioner No.1 in accordance with law.

6. The ABLAPL is disposed of accordingly.

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

(A.K. Mohapatra)
Judge