

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 5639 of 2022

Santosh Pradhan & another

....

Petitioners

Mr.Anirudha Das, *Advocate*

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

26.07.2022

Order No.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for both the parties and perused the records.
3. The Petitioner No.1 is apprehending arrest for the alleged commission of offence under Sections 20-B, 379 of the Indian Penal Code and Section 21 and 12 of OMM Act 1989 in G.R.Case No.282 of 2022 of the Court of the learned J.M.F.C., Chhendipada, arising out of Industrial P.S.Case No.56 of 2022.
4. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioner No.1.
5. However, on the submission of the learned counsel, the Petitioner No.1 is given liberty to surrender before the learned J.M.F.C., Chhendipada 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 Petitioners on the same day strictly on the basis of the materials on record.

6. 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.

7. Learned counsel for the Petitioner No.2 submits that she is a lady and innocent and is the owner of the vehicle and no way connected with the alleged offence and has been falsely implicated by the local political people.

8. Considering the nature of allegations made, gravity of the offence and the fact 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., Chhendipada in G.R.Case No.282 of 2022 arising out of Industrial P.S.Case No.56 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.

9. The ABLAPL is accordingly disposed of.

10. Issue urgent certified copy of the order as per Rules.

RKS

(**A.K. Mohapatra**)
Judge