

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.5695 of 2022

Sameer Kumar Nayak and others ***Petitioners***
Mr. S.K. Dash, Advocate
-versus-
State of Odisha ***Opposite Party***
Mr. K. Gaya, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

13.06.2022

Order No.

01.

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 petitioner for anticipatory bail.
4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. Further, he submits that the marriage was solemnized between the petitioner no.1 and the informant more than 14 years ago and that there was omnibus allegation of demand of dowry against the petitioners.
5. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioners. However, it is directed that in the event the petitioner no.2-Eliseba Naik, Petitioner no.3-Sradharani Naik @ Mini and petitioner no.4-Sujit Kumar Naik surrender before the learned S.D.J.M., Berhampur in G.R. Case No.939 of 2022, arising out of Berhampur

Mahila P.S. Case No.63 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.

6. So far as petitioner no.1-Sameer Kumar Naik is concerned, considering the nature of allegations, gravity of offence and the fact of the case I am not inclined grant anticipatory bail to the petitioner no.1.

7. However, on the submission of the learned counsel, the petitioner no.1-Sameer Kumar Naik is given liberty to surrender before the S.D.J.M., Berhampur 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 materials on record. In case of rejection of the bail application, the petitioner no.1-Sameer Kumar Naik 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 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 petitioner no.1, if applied for.

9. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Vacation Judge

