

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL NO.6748 OF 2020**

***Kapila Nayak & Seven Others***

....

***Petitioners***

Mr.D.K. Das, Advocate

*-versus-*

***State of Odisha***

....

***Opposite Party***

Mr. G.N. Rout, ASC,

**CORAM:**

**MR. JUSTICE D.DASH**

**ORDER**

**30.03.2022**

**Order No.**

- 03.
1. This matter is taken up through hybrid arrangement (physical/ virtual) mode.
  2. The Petitioners having been implicated in connection with Konark P.S. Case No.68 of 2020 corresponding to G.R. Case No.242 of 2020 pending on the file of learned J.M.F.C., Konark for alleged commission of offence under section-341/294/323/325/307/34 of the IPC, have filed this application under section-438 of the Cr.P.C. for their release on bail in the event of their arrest in the above mentioned case.
  3. Heard learned Counsel for the Petitioners and learned Counsel for the State.
  4. Considering the submissions made and on going through the materials on record, as also the surrounding circumstances, while being not inclined to grant anticipatory bail to the Petitioners; it is observed that in the event the Petitioners surrender before the Court in seisin of the case within three weeks hence in the above mentioned case and move for their release on bail, the same shall be considered on its own merit; further keeping in view

the factum of release of co-accused person(s) on bail, if similarly situated with the Petitioners on the ground of parity, as per law and disposed of during the first hour in accordance with law without being prejudiced by this order so as to enable the Petitioners to approach the next higher forum during the course of the day, in case necessity so arises unless there stands any legal impediment.

The case records be made available at the cost of the Petitioners.

5. The ABLAPL is accordingly disposed of.

Interim order passed on 29.06.2020 does no more survive.

Issue urgent certified copy as per rules.

**(D. Dash),  
Judge.**

Narayan

