

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.5858 of 2022

Subala Nayak and others

Petitioners

....
Mr.Dharmendra Sethy, Advocate

-versus-

State of Odisha

Opposite Party

....
Mr. S.S.Pradhan, AGA for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

17.06.2022

Order No.

01. 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. Considering the submission made and keeping in view the nature and gravity of offences alleged, this Court is not inclined to grant anticipatory bail in respect of Petitioner No.1. However, this Court grants liberty to the Petitioner no.1 to surrender before the learned S.D.J.M., Nilagiri C.T. No.259 of 2022, arising out of Oupada P.S. Case No.39 of 2022 in the first hour within 21 (twenty one) working days hence and moves for bail, in such event, learned Magistrate shall consider the application of the Petitioner No.1 for bail in the first hour strictly on the basis of the materials available 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. In 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 principle of parity, if applicable.

4. Case Diary be made available to the concerned court. Records be transmitted to the Higher Forum at the cost of the Petitioner no.1, if applied for.

5. As regard the bail application of Petitioner Nos. 2 and 3 are concerned, this Court considering the nature and gravity of offences alleged against the Petitioners though not inclined to release the Petitioners on bail, however directs that in the event the Petitioner nos.2 and 3 surrenders before the S.D.J.M., Nilagiri C.T. No.259 of 2022, arising out of Oupada P.S. Case No.39 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. It is further directed that in the event of release of the Petitioners, they shall not indulge in any offences, tamper with the evidence or threat to the prosecution witnesses and cooperate with the investigation.

7. This Court further observes that if the Petitioners are found to have indulged in similar type of offences, this order shall automatically stand revoked and the learned Magistrate shall issue NBW of arrest against the accused Petitioners.

8. The ABLAPL is accordingly disposed of.

9. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Vacation Judge