

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6465 of 2022

Bimal Behera and others ***Petitioners***

Mr. P.K. Mishra, Advocate

-versus-

State of Odisha ***Opp. Party***

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

17.08.2022

Order No.

- 02.
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 petitioners for anticipatory bail.
 4. The petitioners are seeking pre-arrest bail in connection with C.T. Case No.98 of 2022, arising out of Narsinghpur P.S. Case No.53 of 2022 pending in the court of learned J.M.F.C., Narsinghpur for commission of offence punishable under Sections 498-A/294/323/307/506/34, I.P.C. read with Section 4 of the D.P. Act.
 5. Considering the nature of allegation, gravity of offence and the facts of the case, I am not inclined to grant anticipatory bail to the petitioner no.2-Sumanta Behera, petitioner no.3-Kalyani Behera @ Kalyani Baral, petitioner no.4-Minakshi Behera, petitioner no.5-Lokanath Behera, petitioner no.6-Padmabati Behera and petitioner

no.7-Abani Behera. However, it is directed that in the event the petitioner no.2-Sumanta Behera, petitioner no.3-Kalyani Behera @ Kalyani Baral, petitioner no.4-Minakshi Behera, petitioner no.5-Lokanath Behera, petitioner no.6-Padmabati Behera and petitioner no.7-Abani Behera surrender before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, they shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that they shall not harass, torture, threaten or terrorize the informant and his/her family members in any manner whatsoever while on bail, they shall cooperate with the Investigating Officer as and when required for the purpose of investigation and they shall not default in attendance of the trial court on each every date.

6. So far as petitioner no.1-Bimal Behera is concerned. However, on the submission of the learned counsel, the petitioner no.1-Bimal Behera is given liberty to surrender before the learned J.M.F.C., Narasinghpur 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 their application for bail in the first hour strictly on the basis of the materials on record. In case of rejection of the bail application, petitioner no.1-Bimal Behera 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-Bimal Behera on the same day strictly on the basis of the materials on record.

7. 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.

8. The ABLAPL is accordingly disposed of.

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

Jagabandhu

(A.K. Mohapatra)
Judge

