

IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL NO.6494 OF 2022

Binapani Jena & Another

....

Petitioners

Mr.P.C.Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Samaresh Jena, ASC.

CORAM:

MR. JUSTICE D.DASH

Order
No.

ORDER
03.02.2023

- 08.
1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
 2. Heard learned counsel for the Petitioners and learned counsel for the State.
 3. The Petitioners having been implicated in Nandipada P.S. Case No.74 of 2022 corresponding to G.R. Case No.120 of 2022 registered for alleged commission of offence under section 341/294/326-A/307/379/34 of the IPC, pending in the court of learned J.M.F.C., Hatadihi, have filed this application under section 438 Cr.P.C. for grant of bail in the event of their arrest.
 4. Considering the submission made and keeping in view the nature of accusation as also the manner of happening of the incident as those emanate from the materials on record; I do not find it to be a fit case for grant of anticipatory bail to Petitioner no.1 (Binapani Jena). Accordingly, her prayer for grant of anticipatory bail is rejected.

In so far as the prayer for grant of anticipatory bail to Petitioner No.2 (Chandrakanta Jena) is concerned; it is directed that in the event he surrenders before the court in seisin of the aforesaid case within three weeks hence and moves for his release on bail, he shall be released on bail on such terms and conditions as would be deemed just and proper by the said court.

5. Accordingly, the ABLAPL stands disposed of.

The interim order dated 27.07.2022 passed in ABLAPL No.6494 of 2022 in favour of Petitioner No.1 (Binapani Jena) stands vacated.

Issue urgent certified copy of this order as per rules.

(D. Dash)
Judge

Gitanjali

