

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6936 of 2022

Dipak Kumar Nayak and others ***Petitioners***
Mr. M. Mohanty, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. P.K. Rout, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

05.08.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioners and learned counsel for the State.
 3. The petitioners are apprehending arrest for the alleged commission of offence under Sections 341/323/294/325/379/447/427/307/354/506/34, I.P.C. in G.R. Case No.84 of 2022 of the court of the learned Gramya Nayalaya-cum-J.M.F.C., Raghunathapur, arising out of Raghunathpur P.S. Case No.84 of 2022.
 4. It is submitted by learned counsel for the petitioners that the injuries sustained by the injured are simple in nature. Further, it is submitted by learned counsel for the petitioners that due to family disputes between the parties, the present has been registered.
 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.1-Dipak Kumar Nayak and petitioner no.3-Binod Parida surrender before the learned court in seisin over the matter in the

aforesaid case within a period of three weeks from today, aforesaid petitioner no.1-Dipak Kumar Nayak and petitioner no.3-Binod Parida shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper.

7. However, on the submission of the learned counsel, the petitioner no.2-Antrayami Rout @ Babula and petitioner no.4-Pradip Kumar Nayak are given liberty to surrender before the court in seisin over the matter 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 materials on record. In case of rejection of the bail applications, the petitioner no.2-Antrayami Rout @ Babula and petitioner no.4-Pradip Kumar Nayak 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.2-Antrayami Rout @ Babula and petitioner no.4-Pradip Kumar Nayak on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

9. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the petitioner no.1-Dipak Kumar Nayak and petitioner no.3-Binod Parida, if applied for.

10. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge

