

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6939 of 2022

Prasanta Martha @ Kuna & Others ***Petitioners***
Mr. Mruganka Mauli Patnaik, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. M.K. Mohanty, A.S.C.

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
19.09.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners as well as learned Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offences punishable under Sections 341/323/324/307/506/34, I.P.C.
4. Considering the seriousness and gravity of the offence as alleged and the facts of the case, although this Court is not inclined to grant anticipatory bail to the Petitioners, however it is observed that, in the event Petitioner No.1 & 6 – namely Prasanta Martha @ Kuna and Pravat Martha @ Kulu surrender and move for bail before the learned S.D.J.M., Bhubaneswar in G.R. Case No.622 of 2022 corresponding to Chandaka P.S. Case No.129 of 2022 within a period of three weeks from today, both of them shall be released on

bail on such terms and conditions as the learned Magistrate may deem just and proper in the facts and circumstances of the case.

5. However, so far as Petitioner Nos.2, 3, 4 & 5 – namely Dillip Kumar Martha @ Dilu, Pramod Martha @ Kanthia, Pratap Martha @ Milu and Pradipta Martha @ Lulia are concerned, they are given liberty to surrender before the learned S.D.J.M., Bhubaneswar in the aforesaid G.R. Case in the first hour within 21 working days hence and move for bail. In such event, the learned Magistrate shall consider the bail application of Petitioner Nos.2, 3, 4 & 5 in the first hour of the day, strictly on the basis of the materials on record. In case of rejection of the bail application by the learned Magistrate, Petitioner Nos.2, 3, 4 & 5 may move for bail before the higher forum in the second hour of the same day. In that event, the higher forum shall consider and dispose of the bail application of Petitioner Nos.2, 3, 4 & 5 on the same day on merit, strictly on the basis of the materials available on record. Ground of parity, if canvassed by the learned counsel for the Petitioners, shall be taken into consideration by the learned Courts below while considering the bail application of Petitioner Nos.2, 3, 4 & 5 in accordance with law.

6. The ABLAPL is disposed of accordingly.

7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge