

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7025 of 2022

Simanchal Jena and others

....

Petitioners

Mr.Jagannath Kamila, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Sitikanta Mishra, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

18.07.2022

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. The Petitioners apprehend their arrest in connection with Gangapur P.S. Case No.212 of 2022, corresponding to G.R. Case No.609 of 2022, pending in the court of learned J.M.F.C., Aska, for the alleged commission of offences under Sections 147/148/341/294/323/325/506/149 of I.P.C.
4. It is submitted by learned counsel for the State that there is a case and counter case against the Petitioner and Informant. It is further submitted that the Informant involved in a case involving 307 of I.P.C. so far the present case is involved, Petitioner Nos.1 and 2 have assaulted the injured by means of lathi, as a result of which, the Informant sustained injuries.
5. Considering the submissions made, this Court is not inclined to grant bail in respect of Petitioner Nos.1 and 2. However,

Petitioner Nos.3 to 6 are directed to surrender before Arresting Officer, which shall be considered in accordance with law.

6. Keeping the nature of allegations made against the Petitioner Nos.1 and 2, this Court grants liberty to the Petitioners to surrender before the learned court below in the aforesaid case in the first hour within 21 (twenty one) working days hence and move for bail. In such event, learned Magistrate shall consider the application 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 Petitioners 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 Petitioners on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

7. Case Diary be made available to the concerned court. Records be transmitted to the Higher Forum at the cost of the Petitioners, if applied for.

8. Further, Petitioner Nos.3 to 6 are directed to surrender before the Arresting Officer within the stipulated time period as stated in the above case, the same shall be considered and Petitioner nos.3 to 6 shall be released on bail by the arresting officer on such terms and conditions as would be deemed just and proper.

9. The ABLAPL is accordingly disposed of.

10. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge