

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7081 of 2022

Sk. Kayamuddin and others ***Petitioners***
Mr. S.R. Subudhi, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. P.C. Das, 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.134 of 2021, arising out of Binjharpur P.S. Case No.31 of 2021 pending in the court of learned S.D.J.M., Jajpur for commission of offence punishable under Sections 498-A/506/294/406/34/323/34, 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-Halima Khatun, petitioner no.3-Swaleha Khatun and petitioner no.4-Jolakha Khatun. However, it is directed that in the event the petitioner no.2-Halima Khatun, petitioner no.3-Swaleha Khatun and petitioner no.4-Jolakha Khatun 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-Sk. Kayamudduin is concerned. However, on the submission of the learned counsel, the petitioner no.1-Sk. Kayamudduin is given liberty to surrender before the learned S.D.J.M., Jajpur 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-Sk. Kayamudduin 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-Sk. Kayamudduin 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.

(A.K. Mohapatra)
Judge

