

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7170 of 2022

Bapina Garada @ Bipin Garada ***Petitioners***
and others

Mr. S. Dwibedi, *Advocate*

-versus-

State of Odisha ***Opp. Party***
Mr. P. C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

19.07.2022

Order No.

01. 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 petitioner for anticipatory bail.
4. The petitioners seeking pre-arrest bail in connection G.R. Case No.624 of 2022, arising out of Tentulikhunti P.S. Case No.97 of 2022 pending in the court of learned S.D.J.M., Nabarangpur for commission of offence punishable under Section 452/294/427/323/324/354/ 307/506/34, I.P.C.
5. It is alleged that on 04.06.2022 at about 9.00 A.M. the petitioners, namely, Rajat Garada and Akash Garada entered into the house of the informant and threw the articles and also assaulted the wife of the informant and also assaulted his son by means of sword. It is further alleged that at that time the accused persons also assaulted them by means of fist and kick blows.

6. It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the present case.

7. 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-Bapina Garada @ Bipin Garada, Petitioner No.3-Prabin Garada and Petitioner No.4-Gobardhan Garada surrenders before the learned court in seisin over the matter in the aforesaid case within a period of three weeks from today, aforesaid petitioner nos.1, 3, and 4 shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper.

8. However, on the submission of the learned counsel, the petitioner no.2-Akash Garada and petitioner no.5-Rajat Kumar Garada @ Rajat 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 her 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 nos.2 and 5 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 petitioners on the same day strictly on the basis of the materials on record.

9. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the petitioners, 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