

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL NO.10451 OF 2019**

***Satyanarayan @ Ranu Gouda &  
Others***

***Petitioners***

Mr. A.K. Nanda, Advocate

*-versus-*

***State of Odisha & Another***

***Opposite Parties***

Mr. Samaresh Jena, ASC.

**CORAM:**

**MR. JUSTICE D.DASH**

**ORDER**

**17.10.2022**

**Order No.**

**04.**

1. This matter is taken up through hybrid arrangement (virtual/ physical) mode.

2. This is the second journey of the Petitioners by apprehending his arrest and likely detention of the Petitioner in filing this application under Section-438 of the Cr.P.C. in connection with Gudari P.S. Case No.42 of 2019 corresponding to G.R. Case No.147 of 2019 on the file of learned S.D.J.M., Gunupur for alleged commission of offence under Section-341/323/294/506/307/34 of the IPC for reconsideration of the prayer for grant of anticipatory bail to the Petitioners in the above mentioned case.

3. Learned Counsel for the Petitioners submits that on the earlier occasion, the Petitioner having moved by this Court in ABLAPL No.9329 of 2019, his prayer had been allowed. According to him, the necessity for filing this successive application under Section-438 Cr.P.C. has arisen for the reason that in the charge-sheet, under Section-307 of the IPC has been added. He however, submits that there is absolutely no material to connect these Petitioners with the alleging commission of offence under

Section-307 of the I.P.C. when the injuries appearing on the persons of the injured have been opined to be simple in nature. In view of all these above; he urges that this Court should reiterate the order.

4. Learned Counsel for the State while not disputing the fact that the injuries found on the person of the injured are simple, however, submits that on the earlier occasion the case had not been registered for offence under Section-307 of the IPC and on that score some materials having been collected in course of investigation, charge-sheet has been filed placing the Petitioner to trial for commission of offence under Section-307 of the IPC.

5. Considering the submissions and on going through the materials as placed; further keeping in view the earlier order dated 08.07.2019 granting anticipatory bail to the Petitioners as also viewing the surrounding circumstances of the case, it is directed that in the event the Petitioners surrender before the Court in seisin of the case in connection with above mentioned case within three weeks hence and move for their release on bail, they shall be released on bail on such terms and conditions as would be deemed just and proper by the said Court.

4. The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

**(D. Dash),  
Judge.**

*Narayan*