

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7210 of 2022

Hemsagar Yadav and another ***Petitioners***
Mr.D.K. Mohapatra, *Advocate*

-versus-

State of Odisha ***Opp. Party***
Mr. M.K.Mohanty, 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 petitioners for anticipatory bail.
4. The petitioners seeking pre-arrest bail in connection G.R. Case No.834 of 2022, arising out of Talsara P.S. Case No.102 of 2022 pending in the court of learned S.D.J.M., Sundargarh for commission of offence punishable under Sections 394/34 of I.P.C. read with Section 25/27 of Arms Act, 1959.
5. Considering the nature of allegations and gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioners. However, it is observed that, in the event the petitioner surrenders before the learned S.D.J.M., Sundargarh in G.R. Case No. 834 of 2022 corresponding to Talsara P.S. Case No. 102 of 2022 within a period of three weeks from today, the petitioner No.1, Hemsagar

Yadav shall be released on bail on such terms and conditions as the learned Magistrate may deem fit and proper.

6. However, on the submission of the learned counsel, the petitioner No.2, Butru @ Taslim Arif is 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 application, the petitioner No.2, Butru @ Taslim Arif 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 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 petitioners, if applied for.

8. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

subhasmita

(*A.K. Mohapatra*)
Judge