

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7242 of 2022

***Banaswar Sandh @ Bnnaswar
Bishi***

....

Petitioner

Sk. Zafarulla, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Sitikanta Mishra, 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 Petitioner and learned Addl. Standing Counsel for the State.
3. Originally, a case under Sections 147/294/323/354/427/149, I.P.C. read with Section 3(1)(r) / 3(1)(s) / 3(2)(va) of the SC & ST (POA) Act was registered against the Petitioner along with many other villagers. Subsequently, Section 307, I.P.C. has been added to the F.I.R.
4. It is submitted by learned counsel for the Petitioner that, similarly placed persons have been allowed to go on bail by the Court below in Spl. G.R. Case No.73 of 2020 arising out of Puintala P.S. Case No.201 of 2020, vide order dated 28.09.2020.
5. Since this application for anticipatory bail is barred under Section 18 as well as 18-A of the Scheduled Castes & Scheduled

Tribes (Prevention of Atrocities) Act, 1989, the present application under Section 438, Cr.P.C. is not maintainable. However, considering the facts and circumstances of the case and taking into consideration the submissions made by the learned counsels for the Petitioner, it is directed that the Petitioner shall surrender before the learned Special Judge (SC & ST POA Act), Balangir in the aforesaid Special G.R. Case No.73 of 2020 within two weeks from today. In the event of his surrender and motion for bail within the stipulated period, learned Special Judge, (SC & ST POA Act), Balangir shall do well to allow the Petitioner to go on bail on such terms and conditions as deem just and proper. Learned court below shall also apply the principle of parity while considering the bail application of the present Petitioner.

6. Accordingly, the ABLAPL is disposed of.
7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge