

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7261 of 2022

Achutananda Mallik and another ***Petitioners***
Mr. D.K. Sahoo, Advocate

-versus-

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
19.07.2022

Order No.

01. 1. This matter is taken up through Video Conferencing mode.
2. Heard learned counsel for both the parties and perused the records.
4. The petitioners seeking pre-arrest bail in connection G.R. Case No.1073 of 2022, arising out of Nikirai P.S. Case No.71 of 2022 pending in the court of learned S.D.J.M., Kendrapara for commission of offence punishable under Section 341/354-A/354-B/323/294/5069/307/34, I.P.C.
5. It is alleged that initially, the sister-in-law of the petitioners lodged a written report before the Nikirai Police Station for registration of the F.I.R. and thereafter, the present case has been registered against the petitioners.
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.2-Tulasi Mallik and petitioner no.3-Kalasi Mallik surrender before the learned court in seisin over the matter in the aforesaid case within a period of three weeks from today, aforesaid petitioner nos.2, and 3 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.1-Achutananda Mallik 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 applications, the petitioner no.1-Achutananda Mallik may moves 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.

9. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the petitioner, if applied for.

10. Accordingly, the ABLAPL is disposed of.

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