

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7282 of 2022

Bibhuti Bhusan Behera and others* *Petitioners
Mr. Asish Mishra, 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 petitioners for anticipatory bail.
4. The petitioners seeking pre-arrest bail in connection G.R. Case No.1095 of 2022, arising out of Kaniha P.S. Case No.128 of 2022 pending in the court of learned S.D.J.M., Talcher for commission of offence punishable under Sections 364-A/385/506/34, I.P.C.
5. It is alleged that on 18.05.2022 at about 12.30 P.M. the complainant lodged a written report before the IIC, Kaniha P.S. that on 17.05.2022 at 12.00 P.M. while his son, namely, Satyabrata Biswal was parking his vehicle near the ash pond and thereafter, the petitioners along with others assaulted him and kidnapped and also demanded Rs.20,00,000/-(rupees twenty lakhs) over phone and also threatened not to lodge complaint before the police station.
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.3-Ranjit Behera, Petitioner No.5-Babita Behera and Petitioner No.6-Bimala Behera 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.3, 5, and 6 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-Bibhuti Bhusan Behera, petitioner no.2-Ranjit Behera and petitioner no.4-Ranjan Pradhan 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 their applications 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.1, 2 and 4 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