

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7605 of 2022

Gopinath Mallick & others ***Petitioners***
Mr.Jayant Kumar Majhi, Advocate

-versus-

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

08.08.2022

Order No.

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioners and the learned Additional Standing Counsel. Perused the records.
 3. This is an application under Section 438 Cr.P.C. filed by the Petitioners for anticipatory bail.
 4. It is submitted by the learned counsel for the Petitioner Nos. 1,3 & 4 that the informant and the Petitioners belong to one family and they have long standing civil dispute. The informant falsely has lodged this F.I.R against the Petitioners due to civil dispute between them. It is also submitted by the learned counsel for the Petitioners that all the allegations made in the F.I.R. are false, vexatious,

imaginary and fabricated story only to harass the present Petitioners.

5. Considering the nature of allegations made, gravity of the offence and the fact of the case, I am not inclined to grant anticipatory bail to the Petitioner Nos.1,3 & 4. However, it is directed that in the event the Petitioner Nos.1,3 & 4 surrender before the learned J.M.F.C., Basta in C.T.Case No.420 of 2022 arising out of Singla P.S.Case No.134 of 2022 within a period of three weeks from today and move for bail, they shall be released on bail on such terms and conditions as would be deemed just and proper by the learned Magistrate.

6. The Petitioner No.2 is apprehending his arrest for the alleged commission of offence under Sections 341, 323, 324, 307, 506, 34/34 of the Indian Penal Code in C.T.Case No.420 of 2022 arising out of Singla P.S.Case No.134 of 2022 of the Court of the learned J.M.F.C., Basta.

7. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioner No.2.

8. However, on the submission of the learned counsel, the Petitioner No.2 is given liberty to surrender before the learned J.M.F.C., Basta 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 his application for bail in the first hour strictly on the basis of the materials on record. In case of rejection of the bail application, the Petitioner No.2 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.

9. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the Petitioner No.2,

if applied for.

10. The ABLAPL is accordingly disposed of.
11. Issue urgent certified copy of the order as per Rules.

(A.K. Mohapatra)
Judge

RKS

