

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7682 of 2022

Ashish Kumar Naik & Others ***Petitioners***
Mr. Susanta Kumar Sahu, Advocate
-versus-
State of Odisha ***Opposite Party***
Mr. Sitikant Mishra, A.S.C.

**CORAM:
JUSTICE A.K.MOHAPATRA**

ORDER
21.07.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offences punishable under Sections 341/294/323/506/365/379/171-F/34, I.P.C. and Section 44(N)(2) of Odisha Gram Panchayat Samiti Act.
4. Considering the nature of allegation, gravity of the offence and the facts of the case, I am not inclined to grant anticipatory bail to the Petitioners. However, so far as Petitioner Nos.1, 2, 4 & 5 are concerned, it is observed that, in the event these Petitioners surrender before the learned S.D.J.M., Sambalpur in G.R. Case No.598 of 2022 corresponding to Jujumura P.S. Case No.30 of 2022 within a period of three weeks from today, Petitioner Nos.1, 2, 4 & 5 namely Ashish Kumar Naik, Abinash Naik, Bhagabana Pradhan & Bikash Padhan

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

5. So far as Petitioner No.3 – Pratap Kumar Naik is concerned, he is given liberty to surrender before the learned S.D.J.M., Sambalpur in the aforesaid case in the first hour within 21 working days hence and move for bail. In such event, the learned Magistrate shall consider the bail application of the Petitioner in the first hour of the day, strictly on the basis of the materials on record. In case of rejection of the bail application by the learned Magistrate, the Petitioner may move for bail before the higher forum in the second hour of the same day. In that event, the higher forum shall consider and dispose of the bail application of the Petitioner on the same day on merit, strictly on the basis of the materials available on record.

6. The ABLAPL is disposed of accordingly.

7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge