

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7690 of 2022

Basudev Satpathy & others ***Petitioners***
Mr.Prasant Kumar Barik, 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. 2,3 & 4 that they have not committed the offences as alleged against them by the prosecution. It is also submitted by the learned counsel for the Petitioners that the allegations made against the Petitioners are omnibus in nature and the injuries sustained by the injured are simple in nature.

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 Petitioners. However, it is directed that in the event the Petitioner Nos.2,3 & 4 surrender before the learned S.D.J.M., Bhadrak in G.R.Case No.1595 of 2022 arising out of Tihidi P.S.Case No.254 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 with further condition that the Petitioners Nos.2,3 & 4 shall not threatened, terrorise and influence the prosecution witnesses and shall not cause any harassment to the informant and his family members in any manner whatsoever. Violation of conditions shall entail cancellation of bail.

6. The Petitioner No.1 is apprehending his arrest for the alleged commission of offence under Sections 341, 323, 294,354-A, 307/34 of the Indian Penal Code in G.R.Case No.1595 arising out of Tihidi P.S.Case No.254 of 2022 of the Court of the learned S.D.J.M., Bhadrak.

7. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioner No.1.

8. However, on the submission of the learned counsel, the Petitioner No.1 is given liberty to surrender before the learned S.D.J.M., Bhadrak 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.1 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.1, 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

