

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7787 of 2022

Ahalya Swain and another

Petitioner

Mr. S. Pr. Dash, Advocate

-versus-

State of Odisha

Opp. Party

Mr. S.K. Patra. A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

22.07.2022

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 petitioner for anticipatory bail.
4. The petitioners seeking pre-arrest bail in connection G.R. Case No.931 of 2022, arising out of Balikuda P.S. Case No.278 of 2022 pending in the court of learned S.D.J.M., Jagatsinghpur for commission of offence punishable under Section 341/294/323/307/ 506/34, I.P.C.
5. It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the present case.
6. 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-Baikuntha Nath Swain surrenders before the learned court in

seisin over the matter in the aforesaid case within a period of three weeks from today, aforesaid petitioner no.2-Baikuntha Nath Swain shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper.

7. However, on the submission of the learned counsel, the petitioner no.1-Ahalya Swain 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-Ahalya Swain 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 by maintaining the principles of parity, if applicable.

8. 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.

9. Accordingly, the ABLAPL is disposed of.

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

Jagabandhu

(A.K. Mohapatra)
Judge