

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7879 of 2022

Ramesh Kumar Singh and others ***Petitioners***
Mr. S. K. Panda, 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 Cuttack Sadar P.S. Case No.260 of 2022 pending in the court of learned S.D.J.M.(S), Cuttack for commission of offence punishable under Section 498-A/294/323/506/342/34, I.P.C. read with Section 4 of the D.P. Act.
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-Binodini Singh and petitioner no.3-Rasananda Patra surrender 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-Binodini Singh and petitioner no.3-Rasananda Patra shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper.

7. It is further directed that the bail granted to the petitioners is subject to the condition that learned court below shall verify whether injuries sustained by the injured are grievous in nature or simple in nature. In the event it is found that the injury is grievous in nature, this bail order shall automatically stand revoked.

8. However, on the submission of the learned counsel, the petitioner no.1-Ramesh Kumar Singh 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-Ramesh Kumar Singh 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 no.1 on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

9. 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.

10. Accordingly, the ABLAPL is disposed of.

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

