

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8037 of 2022

Bhimasena Mohanty and others ***Petitioners***
Mr. S. Pattanayak, *Advocate*

-versus-

State of Odisha ***Opp. Party***
Mr. Sitikanta Mishra, *A.S.C.*
Mr. K.P. Mishra, *Sr. Advocate*
For informant

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

25.07.2022

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 petitioners for anticipatory bail.
4. The petitioners seeking pre-arrest bail in connection G.R. Case No.630 of 2022, arising out of Nimapara P.S. Case No.222 of 2022 pending in the court of learned J.M.F.C., Nimapara for commission of offence punishable under Sections 341/294/323/324/307/506/34 of I.P.C.
5. Considering the nature of allegations and gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioners. However, it is observed that, in the event the petitioner surrenders before the learned Court in seisin over the within a period of

three weeks from today, the petitioner No.2 and 4 shall be released on bail on such terms and conditions as the learned Magistrate may deem fit and proper.

6. However, on the submission of the learned counsel, the petitioner No.1 and 3 are 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 their application for bail in the first hour strictly on the basis of materials on record. In case of rejection of the bail application, the petitioner No.1 and 3 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 petitioners on the same day strictly on the basis of the materials on record.

7. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the petitioners, if applied for.

8. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge