

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.9210 OF 2020

Kundan Naik & Two Others ***Petitioners***

Mr.B.B. Routray, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr. D.R. Parida, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

12.04.2022

Order No.

04. 1. This matter is taken up through hybrid arrangement (virtual/ physical) mode.
2. The Petitioner Nos.2 to 4 having been implicated in connection with Bikrampur FCI P.S. Case No.105 of 2020 corresponding to G.R. Case No.1127 of 2020 pending on the file of learned S.D.J.M., Talcher for alleged commission of offence under section-147/148/232/427/109/385/506/379/149 of the IPC, have filed this application under section-438 of the Cr.P.C. for their release on bail in the event of their arrest in the above mentioned case.
3. Heard learned Counsel for the Petitioners and learned Counsel for the State.
4. Considering the submissions made and on going through the materials on record, as also the surrounding circumstances; while being not inclined to grant anticipatory bail to the Petitioners, it is observed that in the event the Petitioners surrender before the Court in seisin of the case within a week hence in the above mentioned case and move for their release on bail, the same

shall be considered on its own merit; further taking into account the factum of release of co-accused person(s) on bail, if similarly situated with the Petitioners on the ground of parity, as per law and disposed of during the first hour in accordance with law without being prejudiced by this order so as to enable the Petitioners to approach the next higher forum during the course of the day, in case necessity so arises unless there stands any legal impediment.

The case records be made available at the cost of the Petitioners.

5. The ABLAPL is accordingly disposed of.
Interim order passed on 03.09.2020 stands vacated.
Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**

Narayan

