

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8145 of 2022

Samir Kumar Nayak

....

Petitioner

Mr. Chandrakanta Pradhan, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

26.07.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner 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 petitioner seeking pre-arrest bail in connection with C.T.(Spl.). No.1 of 2022, arising out of Jenapur P.S. Case No.392 of 2021 pending in the court of learned District and Sessions Judge (Special Court), Jajpur for commission of offence punishable under Sections 341/323/294/34, I.P.C. and Section 3(1)(r)(s) of the SC and ST (P&A) Act, 1989.
5. On perusal of the F.I.R. it appears that the case under Section 3(1)(r)(s) of the SC and ST (P&A) Act, 1989 is not made out against the petitioner. In such view of the matter, Section 18 of the Act stand bar in the present case.

6. It is submitted learned counsel for the petitioner that the petitioner has been falsely implicated in the present case and the allegation for the offence under Section 3 SC and ST (P&A) is not attracted against the petitioner.

7. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioner. However, it is directed that in the event the petitioner surrender before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, he shall be released on bail on such terms and conditions as would be deemed just and proper.

8. Accordingly, the ABLAPL is disposed of.

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

