

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8684 of 2022

Pratap Naik & another

..... Petitioners
Mr. Aditi Hota, Advocate

-versus-

State of Odisha

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

01.08.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and the learned Additional Standing Counsel. Perused the records.
3. This is an application under Section 438 Cr.P.C. filed by the Petitioners for anticipatory bail.
4. It is submitted by the learned counsel for the Petitioners the allegations as alleged against the Petitioner No.2 are not made out against the Petitioner No.2. The Petitioner No.2 has been implicated in this case as he is poor laborer of that area.
5. Considering the nature of allegations made, gravity of the offence and the fact of the case, I am not inclined to grant anticipatory bail to the Petitioner No.2. However, it is directed that in the event the Petitioner No.2 surrender before the learned S.D.J.M., Talcher in G.R.Case No.1466 of 2022 arising out of Colliery

P.S.Case No.304 of 2022 within a period of three weeks from today and move for bail, they shall be released on bail on such terms and conditions as would be deemed just and proper by the learned Magistrate and subject to verification of criminal antecedents of similar nature.

6. The Petitioner No.1 is apprehending his arrest for the alleged commission of offence under Sections 379, 120-B, 411, 511 of Indian Penal Code read with Section 12 of OMMPTS Act in G.R.Case No. 1466 of 2022 arising out of Colliery P.S.Case No.304 of 2022 of the Court of the learned S.D.J.M., Talcher.

7. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioner No.1.

8. However, on the submission of the learned counsel, the Petitioner No.1 is given liberty to surrender before the learned S.D.J.M., Talcher 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 his application for bail in the first hour strictly on the basis of the materials on record. In case of rejection of the bail application, the Petitioner No.1 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.

9. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the Petitioner No.1, if applied for.

10. The ABLAPL is accordingly disposed of.

11. Issue urgent certified copy of the order as per Rules.

RKS

