

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9035 of 2022

Tripurari Sahu & others

....

Petitioners

Mr.Satyabrata Panda, Advocate

-versus-

State of Odisha

....

Opp.Party

Mr.Sitikanta Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

03.08.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner No.2 and the learned Additional Standing Counsel. Perused the records.
3. This is an application under Section 438 Cr.P.C. filed by the Petitioner No.2 for anticipatory bail.
4. It is submitted by the learned counsel for the Petitioner No.2 that the Petitioner No.2 is not named in the F.I.R. It is submitted by the learned counsel for the Petitioner No.2 that the injury sustained by the injured are simple in nature. The injured is at present hale and hearty.
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 surrenders before the learned S.D.J.M., Biramaharajapur in G.R.Case No.272 of 2022 arising out of Ulunda P.S.Case No.94 of 2022 within a period of three weeks from today

and moves for bail, she shall be released on bail on such terms and conditions as would be deemed just and proper by the learned Magistrate.

6. The Petitioner Nos.1,3 & 4 are apprehending arrest for the alleged commission of offence under Sections 341,323,324,307,447/34 of the Indian Penal Code in G.R.Case No.272 of 2022 of the Court of the learned S.D.J.M., Birmaharajpur, arising out of Ulunda P.S.Case No.94 of 2022.

7. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioner No.1,3 & 4.

8. However, on the submission of the learned counsel, the Petitioner Nos.1,3 & 4 are given liberty to surrender before the learned S.D.J.M., Birmaharajpur 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 the materials on record. In case of rejection of the bail application, the Petitioner Nos.1,3 & 4 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 Nos.1,3 & 4 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 Nos.1,3 & 4 if applied for.

10. The ABLAPL is accordingly disposed of.

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

(A.K. Mohapatra)
Judge

