

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9107 of 2022

***Ramesh @ Ramakanta Swain and
others*** ***Petitioners***

Mr. T.K.Mishra, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. S.Patra, 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 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 that the allegations against the Petitioner Nos.1,3 & 4 are totally false and fabricated. It is also submitted by the learned counsel for the Petitioners that when the accused Pravash refused to marry the informant, the informant made false and concocted story and implicated all the family members of the accused Pravash in the heinous crime.
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 Nos.1,3 & 4. However, it is directed that in the event the Petitioner Nos.1,3 & 4 surrender before the learned JMFC-cum-Gramya Nayalaya, Raghunathpur in G.R.Case No.121 of 2022 arising out of Raghunathpur P.S.Case No.123 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 subject to the condition that while on bail the Petitioner Nos. 1,3 & 4 shall not threaten, terrorize and harass the informant and her family members in any manner whatsoever. Violation of condition shall entail cancellation of bail.

6. The Petitioner No.2 is apprehending his arrest for the alleged commission of offence under Sections 376(2)(n), 313, 506/34 of the Indian Penal Code in G.R.Case No.121 of 2022 arising out of Raghunathpur P.S.Case No.123 of 2022 of the Court of the learned J.M.F.C.-cum-Gramya Nayalaya, Raghunathpur.

7. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioner No.2.

8. However, on the submission of the learned counsel, the Petitioner No.2 is given liberty to surrender before the learned JMFC-cum-Gramya Nayalaya, Raghunathpur 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.2 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.2 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.2, if applied for.

10. Accordingly, the ABLAPL is disposed of.

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

RKS

