

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9158 of 2022

***Ananda Chandra Behera and
others***

....

Petitioners

Mr. J. Samantaray, Advocate

-versus-

State of Odisha

....

Opp. Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

30.08.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.
4. The petitioners are seeking pre-arrest bail in connection with C.T. Case No.1650 of 2022, arising out of Kuakhia P.S. Case No.231 of 2022 pending in the court of learned S.D.J.M., Jajpur for commission of offence punishable under Sections 447/341/323/324/325/307/34, I.P.C.
5. Considering the nature of allegation, gravity of offence and the facts of the case, I am not inclined to grant anticipatory bail to the petitioner no.7-Subhasmita Priyadarsini Behera @ Bubuni and petitioner no.8-Swamalata Behera @ Sibani. However, it is directed that in the event the petitioner no.7-Subhasmita Priyadarsini Behera @ Bubuni and petitioner no.8-Swamalata Behera @ Sibani surrender before the learned court in seisin over the matter within a period of

three weeks from today, they shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that they shall cooperate with the Investigating Officer as and when required for the purpose of investigation and they shall not default in attendance of the court during trial on each date of posting.

Violation of any of the terms and conditions shall entail cancellation of bail.

6. So far as petitioner no.1-Ananda Charan Behera, petitioner no.2-Binod Chandra Behra, petitioner no.3-Aakash Behera @ Chintu, petitioner no.4-Ashutosh Behera @ Pintu, petitioner no.5-Alok Behera @ Chiku and petitioner no.6-Manoj Behera are concerned. However, on the submission of the learned counsel, both the petitioner nos.1 to 6 are given liberty to surrender before the learned S.D.J.M., Bhubaneswar 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 to 6 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 to 6 on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

7. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the petitioners, if applied for.

8. The ABLAPL is accordingly disposed of.

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

(A.K. Mohapatra)
Judge

Jagabandhu

