

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9252 of 2022

Hari Sethi & Others

....

Petitioners

Mr. Ramakanta Pradhan, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Sitikant Mishra, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

04.08.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners as well as learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offences punishable under Sections 147/148/341/323/324/307/294/506/109/149, I.P.C.
4. Considering the seriousness and gravity of the offence as alleged and the facts of the case, although this Court is not inclined to grant anticipatory bail to the Petitioners, however it is observed that, Petitioner Nos.2 and 4 namely Chandini Sethi @ Chanani Sethi and Kabita Mallik @ Kabita Sethi being ladies, if they surrender before the learned S.D.J.M., Jajpur in C.T. Case No.579 of 2022 corresponding to Jajpur Sadar P.S. Case No.70 of 2022 within a period of three weeks from today, both of them shall be released on

bail on such terms and conditions as the learned Magistrate may deem just and proper in the facts and circumstances of the case.

5. However, so far as Petitioner Nos.1, 3 & 5 – namely Hari Sethi, Babu Sethi @ Babua Sethi and Prasant Sethi @ Baban Sethi are concerned, it is observed that, they are given liberty to surrender before the learned S.D.J.M., Jajpur in connection with the aforesaid C.T. Case in the first hour within 21 working days hence and move for bail. In such event, the learned Magistrate shall consider the bail application of Petitioner Nos.1, 3 & 5 in the first hour of the day, strictly on the basis of the materials on record. In case of rejection of the bail application by the learned Magistrate, the aforesaid Petitioners may move for bail before the higher forum in the second hour of the same day. In that event, the higher forum shall consider and dispose of the bail application of those Petitioners on the same day on merit, strictly on the basis of the materials available on record. Ground of parity, if canvassed by the learned counsel for the Petitioners, shall be taken into consideration by the learned Courts below while considering the bail application of Petitioner Nos.1, 3 & 5 in accordance with law.

6. The ABLAPL is disposed of accordingly.

7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge