

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9365 of 2022

Sukant Swain @ Sukanta Kumar Swain ***Petitioner***

Mr. J. Pr. Parida, Advocate

-versus-

State of Odisha

.... ***Opp. Party***

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

08.08.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard the learned counsel for the petitioner and learned counsel for the State. This is an application under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Jodapadar P.S. Case No. 0052 of 2022 corresponding to G.R. G.N. Case No.104 of 2022 pending in the Court of learned Nayadhikari, Gram Nayalaya, Brahmagiri, Puri for the commission of the alleged offences punishable under Section 395 of the Indian Penal Code read with Section 3 of the Prevention of Damage to Public Property Act, 1984, Section 29 of Orissa Grama Panchayat Act, 1964.
3. Perused the first information report.
4. Leaned counsel for the petitioner further submits that seven co-accused persons have been taken into judicial custody and they have been released on bail and therefore, the anticipatory bail application

of the petitioner may be favourably considered.

5. Learned counsel for the petitioner submits that on similar footing with the present petitioner, another co-accused, namely, Pandabapriya Samntaray @ Pandaba Priya Samantaray, has already been released on anticipatory bail by this Court in ABLAPL No.2295 of 2022 vide order dated 30.03.2022.

6. Learned counsel for the State opposed the prayer for anticipatory bail.

7. In view of instruction obtained by the learned counsel for the State and the nature and gravity of the accusation against the petitioner as per the first information report and particularly availability of criminal antecedents against the petitioner as submitted by the learned counsel for the State, while not inclining to grant anticipatory bail to the petitioner, I direct that in the event the petitioner surrenders and moves for bail before the learned Court below within a period of four weeks from today, the same shall be considered in accordance with law expeditiously by the Courts below. The case records shall be made available to the Court concerned.

8. The ABLAPL stands disposed of.

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

(A.K. Mohapatra)
Judge