

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9571 of 2022

Aananta Nayak and others ***Petitioner***
Mr.Suresh Kumar Panda,Advocate

-versus-

State of Odisha ***Opp. Party***
Mr.S.Mishra,A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

14.09.2022

Order No.

02.

I.A.NO.1402 OF 2022

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Considering the submissions, the order dated 11.08.2022 is recalled and the following order is passed.
3. The PetitionerNo.3 is apprehending his arrest for the alleged commission of offence under Sections 341, 452, 323, 324, 325, 326, 307, 506, 427, 379/34 of the Indian Penal Code in G.R.Case No.752 of 2022 arising out of Thakurgarh P.S.Case No.192 of 2022 of the Court of the learned S.D.J.M., Ahtamallik.
3. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioner No.3.
5. However, on the submission of the learned counsel, the Petitioner is given liberty to surrender before the learned S.D.J.M.,

Athamallik 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.3 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.3 on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

6. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the Petitioner No.3, if applied for.

7. It is submitted by the learned counsel for the Petitioners that the allegations made against the Petitioner Nos.1 and 2 are false and fabricated. They have never committed any act against the informant. Only with an ulterior motive the informant lodged the above F.I.R. against the Petitioner Nos.1 and 2.

8. Considering the nature of allegations made, gravity of the offence and the facts of the case, I am not inclined to grant anticipatory bail to the Petitioner Nos.1 and 2. However, it is directed that in the event the Petitioner Nos.1 and 2 surrender before the learned S.D.J.M., Athamallik in G.R.Case No.752 of 2022 arising out of Thakurgarh P.S.Case No.192 of 2022 within a period of three weeks from today and moves for bail, they shall be released on bail on such terms and conditions as would be deemed just and proper by the learned Magistrate, but subject to furnishing cash security of Rs.5000/-(Rupees five thousand) which shall be kept in any

Nationalised Bank in an interest bearing account in the name of the court in seisin over the matter.

9. The ABLAPL is accordingly disposed of.
10. Issue urgent certified copy of the order as per Rules.

(A.K. Mohapatra)
Judge

RKS

