

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9707 of 2022

Babi @ Adhar Malik and others *Petitioners*
Mr. Subrata Mishra, Advocate
-versus-
State of Odisha *Opp. Party*
Mr. S. Patra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

12.08.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioners and 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 G.R. Case No.1616 of 2022, arising out of Kendrapara Sadar P.S. Case No.346 of 2022 pending in the court of learned S.D.J.M., Kendrapara for commission of offence punishable under Sections 452/294/323/354-B/313/380/506/34, 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.1-Babi @ Adhar Malik, petitioner no.3-Nali @ Sabita Malik, petitioner no.4-Mili @ Mandakini Mali, petitioner no.5-Pintu @ Basanta Kumar Malik and petitioner no.7-Hagura @ Surendra Malik. However, it is directed that in the event the petitioner no.1-Babi @ Adhar Malik, petitioner no.3-Nali @ Sabita Malik, petitioner no.4-Mili @ Mandakini Mali, petitioner no.5-Pintu @ Basanta Kumar Malik and

petitioner no.7-Hagura @ Surendra Malik surrender before the learned court in seisin over the matter within a period of three weeks from today, they shall not harass, torture, threaten or terrorize the informant and his/her family members in any manner whatsoever while on bail, 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 trial court on each every date.

6. So far as petitioner no.2-Jhuni Malik and petitioner no.6-Rakesha Kumar Malik are concerned. However, on the submission of the learned counsel, both the petitioner nos.2 and 6 are given liberty to surrender before the learned S.D.J.M., Kendrapara 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 petitioner no.2-Jhuni Malik and petitioner no.6-Rakesha Kumar Malik 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-Jhuni Malik and petitioner no.6-Rakesha Kumar Malik on the same day strictly on the basis of the materials on record.

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.

