

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9943 of 2022

Maheswar Dalabehera and others ***Petitioners***
Mr.Jyotirmaya Sahoo, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr.M.K.Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
22.08.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for both the parties and perused the records.
3. The Petitioner No.1 is apprehending his arrest for the alleged commission of offence under Sections 498-A,294,323,313, 506/34 of the Indian Penal Code in G.R.Case No.273 of 2022 arising out of Ranpur P.S.Case No..180 of 2022 of the Court of the learned J.M.F.C., Ranpur.
4. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioner No.1.
5. However, on the submission of the learned counsel, the

Petitioner No.1 is given liberty to surrender before the learned J.M.F.C., Ranpur in the aforesaid case in the first hour within 21 working days hence and moves 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.1 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.1 on the same day strictly on the basis of the materials on record.

6. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the Petitioner No.1, if applied for.

7. It is submitted by the learned counsel for the Petitioner Nos.2 to 5 that the Petitioner Nos.2 to 5 who are in-laws are innocent persons having no criminal antecedents and due to some disturbance between the husband and wife the informant left the house of the Petitioners and despite several requests the informant did not turn up and files this false case only to harass the Petitioners.

8. Considering the nature of allegations made, gravity of the offence and the fact of the case, I am not inclined to grant anticipatory bail to the Petitioner Nos.2 to 5. However, it is directed that in the event the Petitioner Nos.2 to 5 surrender before the learned J.M.F.C., Ranpur in G.R. Case No.273 of 2022 arising out of Ranpur P.S. Case No.180 of within a period of three weeks from today and move for bail, they shall be released on bail on such terms and conditions as would be deemed just and proper by the learned Magistrate.

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

(A.K. Mohapatra)
Judge

RKS

