

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10298 of 2022

Niranjan Nayak @ Dhadi Nayak @ Petitioners
Dhadi and others

Mr. T.P.Mohapatra, Advocate

-versus-

State of Odisha Opp. Party
Mr.S.Patra. A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

30.08.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and the learned Additional Standing Counsel. Perused the records.
3. This is an application under Section 438 Cr.P.C. filed by the Petitioners for anticipatory bail.
4. It is submitted by the learned counsel for the Petitioners that due to previous dispute between the parties the Petitioners have been falsely implicated in the present case. He also submits that the petitioners have absolutely no role in this case.
5. 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.1,3,4,6 & 7. However, it is directed that in the event the Petitioner Nos.1,3,4,6 & 7 surrender before the learned J.M.F.C., Kanas in G.R.Case No.424 of 2022 arising out of Kanas P.S.Case No.116 of 2021 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 with further conditions that the Petitioner Nos.1,3,4,6 & 7 while on bail shall not threaten, influence, terrorise or harass the informant and his family members, shall not indulge in similar nature of criminal activities. They shall cooperate with the investigation and appear before the I.O. as and when required and appear before the trial court on each and every date fixed. Violation of conditions shall entail cancellation of bail.

6. The Petitioner Nos.2 & 5 are apprehending their arrest for the alleged commission of offence under Sections 341,342,324,326/34 of the Indian Penal Code in G.R.Case No.424 of 2022 arising out of Kanas P.S. Case No.116 of 2022 of the Court of the learned J.M.F.C., Kanas.

7. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioner Nos.2 & 5.

8. However, on the submission of the learned counsel, the Petitioner Nos.2 & 5 are given liberty to surrender before the learned J.M.F.C., Kanas 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 their 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 Nos.2 & 5 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 Nos.2 & 5 on the same day strictly on the basis of the materials on record.

9. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the Petitioner Nos.2 & 5 if applied for.

10. The ABLAPL is accordingly disposed of.

11. Issue urgent certified copy of the order as per Rules.

RKS

