

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10433 of 2022

Dhananjay Prusty & another

....

Petitioners

Ms. Usharani Padhi, Advocate

-versus-

State of Odisha

....

Opp. Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

06.09.2022

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 Petitioner that the allegations against the Petitioners are false, fabricated concocted and not made out against the Petitioners.
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 No.2. However, it is directed that in the event the Petitioner No.2 surrenders before the learned J.M.F.C., Parjanga in G.R.Case no.360 of 2022 arising out of Parjanga P.S.Case No.375 of 2022 within a period of three weeks from today and moves for bail, she shall be released on bail on such terms and conditions as would be deemed just and proper by the learned Magistrate.

6. The Petitioner No.1 is apprehending his arrest for the alleged commission of offence under Sections 365, 323, 506/34 of the Indian Penal Code in G.R.Case No.360 of 2022 arising out of Parjanga P.S. Case No.375 of 2022 of the Court of the learned J.M.F.C., Parjanga.

7. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioner No.1.

8. However, on the submission of the learned counsel, the Petitioner No.1 is given liberty to surrender before the learned J.M.F.C., Parjanga 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 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 by maintaining the principles of parity, if applicable.

9. 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.

10. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge