

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10735 of 2022

Raju Swain and others

....

Petitioners

Mr. S.J. Mohanty, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

08.09.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioners and 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.05 of 2016, arising out of Pipili P.S. Case No.05 of 2016 original file was pending in the court of learned J.M.F.C., Pipili but now transferred to the court of learned A.D.J.-III-cum-Special Judge, Special court, Bhubaneswar for commission of offence punishable under Sections 147/148/302/149, I.P.C. read with Sections 25 and 27 of the Arms Act.
5. It is submitted by learned counsel for the petitioners that the principal accused has already been arrested and released on bail by the leaned trial court. Further, it is submitted by learned counsel for the petitioners that the material witnesses and also eye witnesses,

who were examined, have not supported the prosecution case.

6. Taking into consideration the nature of offence and non-availability of the case diary, I am not inclined to exercise my discretion under Section 438, Cr.P.C. in favour of the petitioners.

7. However, it is observed that the petitioners, if so advised, may surrender before the learned court in seisin over the matter in the aforesaid case within three weeks from today. In the event the petitioners surrender and motion for bail within the aforesaid period, learned court in seisin over the matter shall do well do dispose of the bail application of the petitioners on the same day on merit in accordance with law. The case diary be made available to the concerned court to facilitate disposal of the bail application of the petitioners.

8. With the aforesaid observation, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

(*A.K. Mohapatra*)
Judge