

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10749 of 2022

Rajesh Kumar Nayak @ Lala and others ***Petitioners***

Mr. Rituranjan Chhotaray, Advocate
-versus-

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

26.09.2022

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.43 of 2019, arising out of Banki P.S. Case No.28 of 2019 pending in the court of learned S.D.J.M., Banki for commission of offences punishable under Sections 341/323/294/452/354/307/506/34, I.P.C.
5. It is submitted by learned counsel for the petitioners that earlier, the petitioners had approached this Court for bail by filing an application in ABLAPL No.3759 of 2019. After hearing learned counsel for the petitioners, this Court was pleased to release the petitioners on anticipatory bail vide order dated 16.12.2019. In the meantime, charge-sheet has been submitted in the case. Further, it is

submitted by learned counsel for the petitioners that earlier the petitioners were released on anticipatory bail by the police and the same fact was not communicated to the learned court below and that the learned court below issued summons against the present petitioners. Hence, the present case.

6. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioners. However, it is directed that in the event the petitioners surrender and move an application for bail before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, they shall be released on bail on such terms and conditions as would be deemed just and proper.

7. Accordingly, the ABLAPL is disposed of.

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

