

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10847 of 2022

Kantha @ Kantheswar Jena and others ***Petitioners***

Mr. S.K. Parida, Advocate

-versus-

State of Odisha

.... ***Opp. Party***

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

12.09.2022

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.2751 of 2021, arising out of Kendrapara Sadar P.S. Case No.650 of 2021 pending in the court of learned S.D.J.M., Kendrapara for commission of offence punishable under Sections 341/323/307/354/34, I.P.C.
5. Considering the nature of allegation, gravity of offence and the facts of the case, I am not inclined to grant anticipatory bail to the petitioner no.2-Fakira Charan Jena, petitioner no.3-Bijaya Jena and petitioner no.4-Ranjan @ Ranjit Jena. However, it is directed that in the event the petitioner no.2-Fakira Charan Jena, petitioner no.3-Bijaya

Jena and petitioner no.4-Ranjan @ Ranjit Jena surrender before the learned court in seisin over the matter within a period of three weeks from today, they shall be released on bail on such terms and conditions as would be deemed just and proper.

6. So far as petitioner no.1 is concerned. However, on the submission of the learned counsel, the petitioner no.1-Kantha @ Kantheswar Jena is given liberty to surrender before the learned S.D.J.M., Kendrapara 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 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.

7. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the petitioners, if applied for.

8. The ABLAPL is accordingly disposed of.

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

(A.K. Mohapatra)
Judge