

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10990 of 2022

***Jagabandhu Das @ Jaga Das &
others***

Petitioners

....
Ms.Ranjita Dhal, Advocate

-versus-

State of Odisha

....
Opposite Party
Mr. S.Patra, A.S.C.

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
10.10.2022**

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner, learned Addl. Standing Counsel for the State. Perused the records.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 341, 379, 294, 354, 323, 325, 324, 506/34 of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioners that the allegation of assault is against Petitioner No.2. So far as

Petitioner Nos.1,3 & 4 are concerned, there is no criminal antecedents against them. Further, it is submitted by the learned counsel for the Petitioners that Petitioner Nos.1,3 & 4 did not participate in the assault.

5. Considering the seriousness of the allegation, gravity of the offence and the facts of the case, although I am not inclined to grant anticipatory bail to the Petitioner Nos.1,3 & 4, however it is observed that, in the event the Petitioner Nos.1,3 & 4 surrender and move for bail before the learned J.M.F.C., Soro in C.T.Case No.633 of 2022 arising out of Soro P.S.Case No.290 of 2022 within a period of three weeks from today, they shall be released on bail on the same day on such terms and conditions as the learned Magistrate may deem just and proper in the facts and circumstances of the case.

6. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioner No.2

7. However, on the submission of the learned counsel, the Petitioner No.2 is given liberty to surrender before the learned J.M.F.C., Soro 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 No.2 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 on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

8. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the Petitioner No.2, if applied for.
7. The ABLAPL is disposed of accordingly.
8. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge

RKS

