

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11344 of 2022

Ganesh Pradhan & others

Petitioners

....
Mr. Jayadeba Behera, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. M.K. Mohany, A.S.C.

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

ORDER
16.09.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners, learned Addl. Standing Counsel for the State. Perused the records.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 498-A, 323, 294, 506/34 of the Indian Penal Code.
4. 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 to 5, however it is observed that, in the event the Petitioner Nos.1 to 5 surrender and move for bail before the learned S.D.J.M., Nayagarh in G.R. Case No.556 of 2022 corresponding to Nuagaon P.S. Case No.142 of 2022 within a period of three weeks from today, they shall be released on bail on such terms and conditions as the learned Magistrate may deem just

and proper in the facts and circumstances of the case, but subject to verification of criminal antecedents of similar nature.

5. The Petitioner No.6 is apprehending his arrest for the alleged commission of offence under Sections 498-A,323,294,506/34 of the Indian Penal Code read with Section 4 of the D.P.Act in G.R.Case No.556 of 2022 arising out of Nuagaon P.S.Case No.142 of 2022 of the Court of the learned S.D.J.M., Nayagarh.

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

5. However, on the submission of the learned counsel, the Petitioner No.6 is given liberty to surrender before the learned S.D.J.M., Nayagarh 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.6 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.

6. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the Petitioner No.6, if applied for.

7. The ABLAPL is accordingly disposed of.

8. Issue urgent certified copy of the order as per Rules.

(A.K. Mohapatra)
Judge