

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11633 of 2022

Shakti Prasad Nath & Others ***Petitioners***
Mr. Pradeep Kumar Das, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. P.C. Das, A.S.C.

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
19.09.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners as well as learned Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offences punishable under Sections 147/148/341/307/294/506/149, I.P.C.
4. On perusal of the F.I.R. it appears that one Sagar Nath (Petitioner No.4) is the principal accused in this case, who assaulted the injured by means of stone.
5. Considering the seriousness and gravity of the offence as alleged and the facts of the case, although this Court is not inclined to grant anticipatory bail to the Petitioners, however it is observed that, in the event Petitioner Nos.1, 2, 3, 5, 6, 7, 8 & 9 – namely Shakti Prasad Nath, Maheswar Sahoo, Manas Kumar Barik, Krushna

Nath, Chanda @ Niranjn Mandal, Tapas Jena, Jadu Naik and Dharani Dhar Naik respectively, surrender before the learned S.D.J.M., Anandapur in G.R. Case No.225 of 2022 corresponding to Anandapur P.S. Case No.232 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.

While imposing conditions for bail, learned Magistrate shall also impose the following additional conditions –

- (i) The Petitioners shall not threaten, terrorise, ill-treat or harass the Informant and his family members as well as the prosecution witnesses in any manner whatsoever, while on bail by virtue of this order;
- (ii) They shall appear before the I.O. and shall cooperate with the investigation as and when required by the I.O.

Violation of any of the conditions shall entail cancellation of bail of the Petitioners.

6. However, so far as Petitioner No.4 – Sagar Nath is concerned, he is given liberty to surrender before the learned S.D.J.M., Anandapur in the aforesaid G.R. Case in the first hour within 21 working days hence and move for bail. In such event, the learned Magistrate shall consider the bail application of Petitioner No.4 in the first hour of the day, strictly on the basis of the materials on record. In case of rejection of the bail application by the learned Magistrate, Petitioner No.4 may move for bail before the higher forum in the second hour of the same day. In that event, the higher forum shall consider and dispose of the bail application of Petitioner

No.4 on the same day on merit, strictly on the basis of the materials available on record. Ground of parity, if canvassed by the learned counsel for the Petitioners, shall be taken into consideration by the learned Courts below while considering the bail application of Petitioner No.4 in accordance with law.

7. The ABLAPL is disposed of accordingly.
8. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge

S.K.Parida

