

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11777 of 2022

***Manoranjan Chhatoi @ Kunu &
Others***

.... ***Petitioners***

Mr. Bipin Kumar Nayak, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr. Shashanka Patra, A.S.C.

Mr. Laxmikanta Behera, Adv. for Informant

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

**ORDER
21.09.2022**

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 and learned counsel for the Informant.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 341/294/323/324/326/506/34, I.P.C.
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 Petitioners, however it is observed that, in the event Petitioner No.3 – Mihir Ranjan Chhatoi @ Ilu surrenders and moves for bail before the learned J.M.F.C., Nimapara in G.R. Case No.833 of 2022 corresponding to Nimapara P.S. Case No.304 of 2022 within a period of three weeks from today, he 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.

5. However, so far as Petitioner Nos.1 & 2 – namely Manoranjan Chhatoi @ Kunu and Papu Ranjan Chhatoi @ Bulu are concerned, they are given liberty to surrender before the learned J.M.F.C., Nimapara 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 Nos.1 & 2 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 Nos.1 & 2 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 Nos.1 & 2 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 Nos.1 & 2 in accordance with law.

6. The ABLAPL is disposed of accordingly.

7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge