

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12232 of 2022

Prakash Mahalik & others

....

Petitioners

Mr.Laksmidhar Kabi, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr.P.C.Das, A.S.C..

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

27.10.2022

Order No.

02

I.A.NO.1899 OF 2022

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. The present Interlocutory Application has been filed by the Petitioners seeking modification of the order dated 26.09.2022.
3. Considering the submissions, Paragraph-5 & 6 of the order dated 26.09.2022 stands deleted and in its place the following Paragraph-5 be added.

“5. Considering the nature of allegations, gravity of offence and the fact of the case, this Court is not inclined to grant anticipatory bail to the Petitioners. However, Petitioner Nos.2,3,6,8 & 10 are directed to surrender and move an application for bail and in such event they shall be released on

bail on such terms and conditions as would be deemed just and proper. Further so far as Petitioner Nos. 1,4,5,9,11 & 12 are concerned, they are directed to surrender and move an application for bail.. In the event such an application is filed they shall be released on bail subject to furnishing a cash security of Rs.3000/- (Rupees Three thousand) each. Further release of the Petitioners shall be subject to verification of criminal antecedents of similar nature. In the event it is found that they have more than one criminal antecedents then this order shall not be given effect to.

Considering the submissions of the learned counsel, the Petitioner Nos. 7 & 13 are given liberty to surrender before the learned J.M.F.C., Chandikhole in the C.T.Case No.1384 of 2022 in the first hour 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 Petitioners 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 Nos.7 & 13 on the same day strictly on the basis of the materials on record.

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

4. In view of the aforesaid modification, four weeks' further time from today is granted to the Petitioners to surrender as per order dated 26.09.2022, but subject to depositing cost of Rs.500/- (Rupees

five hundred) by the Petitioners in the Advocates' Welfare Fund of the Orissa High Court within 15 days from today and furnishing money receipt thereof in proof of the said deposit.

5. It is made clear that, if cost is not paid within the aforesaid stipulated time, then the extension period to surrender shall stand automatically revoked.

6. The I.A. is accordingly disposed of.

7. Issue urgent certified copy of this order as per Rules.

RKS

