

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12564 of 2022

Shantanu Kumar Nayak and others* *Petitioners

Mr. T. Nanda, Advocate

-versus-

State of Odisha

.... Opp. Party

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

29.09.2022

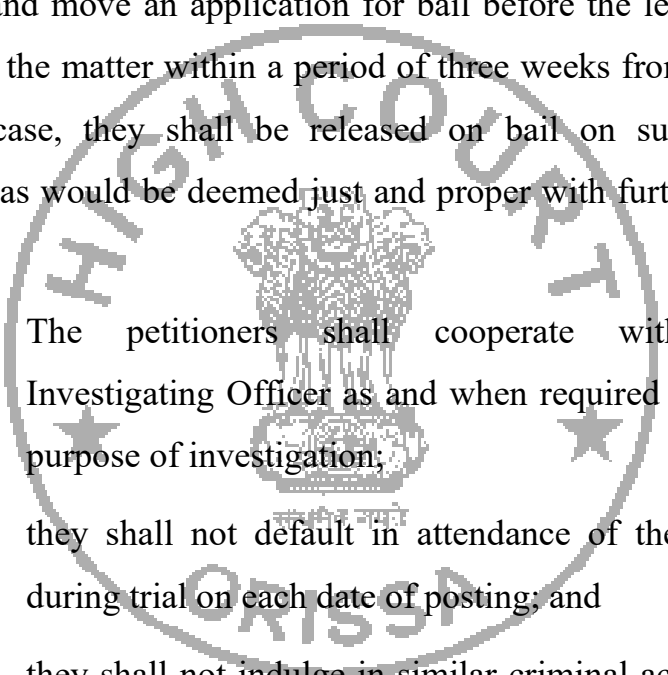
Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.
4. The petitioners are seeking pre-arrest bail in connection with G.R. Case No.236 of 2022, arising out of Saintala P.S. Case No.245 of 2022 pending in the court of learned J.M.F.C., Saintala for commission of offence punishable under Sections 147/148/452/294/506/395/427/364-A/120-B/149, I.P.C.
5. It is submitted by learned counsel for the petitioners that the petitioners are protesting against the Solar Power Plant in the locality. It is further submitted that the petitioners have filed a writ petition bearing W.P.(C) No.23659 of 2022 before this Court wherein the division Bench of this Court while issuing notice granted stay for

construction of Solar Power plant.

6. Further, it is submitted by learned counsel for the petitioners that so far as the allegation made against the petitioners under Section 364-A is concerned, they kidnapped a person, who is a security guard. The said security guard appeared before the police and stated that he is hale and hearty.

7. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioners. However, it is directed that in the event the petitioners surrender and move an application for bail before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, they shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that :-

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- I. The petitioners shall cooperate with the Investigating Officer as and when required for the purpose of investigation;
 - II. they shall not default in attendance of the court during trial on each date of posting; and
 - III. they shall not indulge in similar criminal activities while on bail.

Violation of any of the terms and conditions shall entail cancellation of bail.

7. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge

