

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12631 of 2022

Rashmi Ranjan Sethi & others ***Petitioners***
Mr.Ramakanta Panda,Advocate

-versus-

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

18.10.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. The Petitioners are apprehending their arrest for the alleged commission of offence under Sections 448, 341, 427,323, 307, 506/34 of the Indian Penal Code in C.T.Case No.531 of 2022 arising out of Baliapal P.S.Case No.179 of 2022 of the Court of the learned J.M.F.C., Basta.
3. It is submitted by the learned counsel for the Petitioners that earlier the Petitioners approached this Court by filing ABLAPL No.10778 of 2022 which was disposed of by order dated 12.09.2022 directing the Petitioners to surrender and on their surrendering they were directed to be released on bail subject to the verification of Injury Report. It is submitted by the learned counsel for the Petitioners that on verification of Injury Report, it is found that the

injuries are grievous in nature. It is also submitted by the learned counsel for the Petitioners that some of the co-accused persons have been released on bail.

4. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioner Nos.1 & 3.

5. However, on the submission of the learned counsel, Petitioner Nos.1 & 3 are given liberty to surrender before the learned J.M.F.C., Basta 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 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 Petitioner Nos.1 & 3 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.1 & 3 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 Nos.1 & 3, if applied for.

7. 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 No.2, however it is observed that, in the event the Petitioner No.2 surrender and move for bail before the learned J.M.F.C., Basta in C.T.case No.531 of 2022 arising out of Baliapal P.S.Case No.179 of 2022 within a period of three weeks from today, they shall be released on bail on the same day on such terms and conditions as the learned Magistrate may deem just and

proper in the facts and circumstances of the case.

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

(A.K. Mohapatra)
Judge

RKS

