

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13010 of 2022

***Manas Kumar Jena @ Manas
Ranjan Jena and others***

....

Petitioners

Ms. Sailabala Jena, Advocate

-versus-

State of Odisha

....

Opp. Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

12.10.2022

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 C.T. Case No.1499 of 2022, arising out of Dharmasala P.S. Case No.532 of 2022 pending in the court of learned J.M.F.C., Chandikhole for commission of offence punishable under Sections 498-A/294/323/354/34, I.P.C. read with Section 4 of the D.P. Act.
5. Considering the nature of allegation, gravity of offence and the facts of the case, I am not inclined to grant anticipatory bail to the petitioner nos.3 and 4. However, it is directed that in the event the petitioner nos.3 and 4 surrender and move an application for bail

before the learned court in seisin over the matter within a period of three weeks from today, they shall be released on bail on such terms and conditions as would be deemed just and proper.

6. So far as petitioner nos.1 and 2 are concerned. However, on the submission of the learned counsel, the petitioner nos.1 and 2 are given liberty to surrender before the learned J.M.F.C., Chandikhole 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 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.1 and 3 on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

7. 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.

8. The ABLAPL is accordingly disposed of.

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

(A.K. Mohapatra)
Judge