

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13201 of 2022

***Katha @ Chandan Ku. Jena and
others*** ***Petitioners***

Ms. Bini Mishra, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. S. Patra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

14.10.2022

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.406 of 2022, arising out of Jaleswar P.S. Case No.362 of 2022 pending in the court of learned J.M.F.C., Jaleswar for commission of offence punishable under Sections 341/294/323/506/379/34, I.P.C.
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.2 and 3. However, it is directed that in the event the petitioner nos.2 and 3 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 with further conditions that :-

- I. The petitioners shall cooperate with the Investigating Officer as and when required for the purpose of investigation; and
- II. they shall not indulge in similar criminal activities while on bail.

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

6. It is further directed that the bail granted to the petitioners is subject to the condition that learned court below shall verify whether the petitioners have any criminal antecedents of similar nature. In the event it is found that the petitioners have any criminal antecedents of similar nature, this bail order shall automatically stand revoked. Case diary be made available on the date of surrender before the learned court below.

7. So far as petitioner no.1-Katha @ Chandan Jena is concerned. However, on the submission of the learned counsel, the petitioner no.1-Katha @ Chandan Jena is given liberty to surrender before the learned J.M.F.C., Jaleswar 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 his 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 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 no.1-Katha @ Chandan Jena on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

8. 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.

9. The ABLAPL is accordingly disposed of.

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

(A.K. Mohapatra)
Judge

Jagabandhu

