

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL No.14527 of 2022**

***Jiban Jena & Others***

....

***Petitioners***

Mr. Surya Narayan Mishra, Advocate

*-versus-*

***State of Odisha***

....

***Opposite Party***

Mr. Shashanka Patra, A.S.C.

**CORAM:**

**JUSTICE CHITTARANJAN DASH**

**ORDER**

**25.11.2022**

**Order No.**

01.

1. Heard the learned counsel for the Petitioners and the State.
2. By means of this application, the Petitioners seek grant of bail under Section 438, Cr.P.C. in apprehension of arrest for their alleged involvement in the offences U/s. 341/323/294/498-A/506/34, I.P.C. and Section 4 of the D.P. Act, in connection with Baselisahi P.S. Case No.227 of 2022 corresponding to G.R. Case No.2036 of 2022 pending in the court of learned S.D.J.M., Puri.
3. Keeping in view the submission of the parties and having gone through the nature of allegations as emerged from the materials on record, and further the circumstances appearing, the seriousness and gravity of the offences, while this court is not inclined to grant anticipatory bail it is directed that in the event the Petitioner Nos.2, 3, 4, 5, 6, 7, 8, 9, 10 & 11 surrender and move for bail before the learned S.D.J.M., Puri in the aforesaid G.R. Case, within a period of

three weeks from today, they shall be allowed to go on bail on such terms and conditions as would be deemed just and proper by the said court, but subject to the following further conditions –

- (i) The Petitioners shall appear before the I.O. and shall cooperate with the investigation as and when required;
- (ii) They shall also appear before the trial court on each date of trial, without fail, till conclusion of the trial.
- (iii) They shall not threaten, terrorise, ill-treat or harass the Informant and his family members including the prosecution witnesses in any manner and shall not tamper with the prosecution evidence in any manner whatsoever.
- (iv) Violation of any of any of the conditions shall entail cancellation of bail.

4. As far as the Petitioner No.1 is concerned while this Court is not inclined to grant anticipatory bail to him, If he so chooses, may surrender before the learned S.D.J.M., Puri in the aforesaid G.R. Case during the first hour within three weeks hence and move for bail the learned Magistrate shall consider the bail application of the Petitioner No.1 in the first hour of the day, strictly on the basis of the materials available on record on its own merit. In case of rejection of the bail application by the learned Magistrate, the Petitioner No.1 may move for bail before the higher forum in the second hour of the same day. In that event, the higher forum shall consider and dispose of the bail application of the Petitioner No.1 on the same day on its own merit, strictly on the basis of the materials available on record without being influenced by any

observation made herein by this Court or even presuming it to be a direction for grant of bail in affirmative.

5. Case Diary be transmitted and made available to the learned courts below, at the cost of the Petitioners, as soon as possible to facilitate disposal of the bail application of the Petitioner No.1 on the same day itself.

6. The ABLAPL is disposed of accordingly.

( *Chittaranjan Dash* )  
*Judge*

*S.K. Parida*

