

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 14952 of 2021

Saroj Kumar Panda & Anr.

.....

Petitioners

Mr. S.S.K. Nayak (2), Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.S. Pradhan, AGA

CORAM:

JUSTICE SAVITRI RATHO

Order No.

ORDER

10.01.2022

02.

The matter is taken up by virtual mode.

Heard.

This is an application under Section 438 of Cr.P.C. for grant of bail to the petitioners, namely, Saroj Kumar Panda & Sushanta Kumar Biswal in connection with Bhadrak (R) P.S. Case No.0091 of 2021 corresponding to G.R. Case No. 490 of 2021 pending in the Court of the learned S.D.J.M., Bhadrak for alleged commission of offence under Section 394 of IPC.

The earlier application under Section 438 Cr.P.C. had been filed by the petitioners, namely, Saroj Kumar Panda and Sushanta Kumar Biswal along with two other accused persons, namely, Smruti Prakash Das and Suraj Kumar Sethi. The said application i.e. ABLAPL No. 4661 of 2021 had been disposed of vide order dated 19.04.2021 permitting the petitioners to surrender before the learned S.D.J.M., Bhadrak within a period of three weeks and move for bail along with other directions.

Learned counsel for the petitioners submits that in the meanwhile the co-accused person, Smruti Prakash Das surrendered before the learned court below and when his application i.e. BLAPL No. 1102 of 2021 was being

considered by learned Sessions Judge, Bhadrak and the informant-Kulamani Nayak has filed an affidavit stating that the matter has been settled between the accused persons and the informant.

Mr. S.S. Pradhan, learned Additional Government Advocate states that the chargesheet has been filed under Section 395 of IPC against six accused persons.

Considering the above submission, I am not inclined to allow this application under Section 438 Cr.P.C. However if the petitioners, namely, Saroj Kumar Panda and Sushanta Kumar Biswal surrender before the court of learned S.D.J.M., Bhadrak within a period of three weeks and move for bail in Bhadrak (R) P.S. Case No.0091 of 2021, the same shall be disposed of in the first hour so as to enable them to move the higher forum on the same day in the event of rejection. Case diary be made available, if prior intimation is given to the A.P.P.

It is needless to say that learned court below while considering the bail application of the petitioners, shall consider the question of parity and necessity of conducting T.I. parade and the settlement which is stated to have taken place between the parties, on its own merit.

The ABLAPL is accordingly disposed of.

Urgent certified copy of this order be granted as per rules.

(Savitri Ratho)
Judge

puspa