

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14786 of 2022

***Fayaz M.D @ Mahamad Fayaz &
another***

....

Petitioner

Mr. Manoj Kumar Mallick, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Shashanka Patra, A.S.C.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

05.12.2022

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 U/s.438 Cr.P.C. in apprehension of arrest for their alleged involvement in the offence U/s. 341/294/323/354-B/379/506/34, I.P.C. in connection with Jatni P.S. Case No.364 of 2022 corresponding to G.R. Case No.633 of 2022 pending in the court of learned J.M.F.C., Jatni.
3. Considering the nature and seriousness of the allegation, gravity of the offence and the facts of the case, while this Court is not inclined to grant anticipatory bail, it is directed that Petitioner No.1 – Fayaz M.D @ Mahamad Fayaz, if so chooses, may surrender before the learned J.M.F.C., Jatni in the aforesaid G.R. Case during the first hour within three weeks from today and move for bail. In such event, the learned Magistrate shall consider the bail application of

Petitioner No.1 in the first hour of the day itself, strictly on the basis of the materials available on record.

4. 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 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 in affirmative.

5. This order is subject to verification of criminal antecedents of Petitioner No.1. If it is found that there is more than one criminal antecedent of similar nature to the present case standing to the credit of Petitioner No.1, then this order shall not be given effect to.

6. Case Diary be transmitted and made available to the learned courts below, at the cost of the Petitioner, as soon as possible to facilitate disposal of the bail application of the Petitioner on the same day itself.

7. So far as Petitioner No.2 – Saliman Begum @ Bibi is concerned, keeping in view the nature of allegations, the circumstances appearing in the case and the seriousness and gravity of the offence, while this Court is not inclined to grant anticipatory bail, it is directed that, in the event Petitioner No.2 surrenders and moves for bail before the learned J.M.F.C., Jatni in the aforesaid G.R. Case within a period of three weeks hence, she shall be admitted to 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 Petitioner shall appear before the I.O. and shall cooperate with the investigation as and when required;
- (ii) She shall also appear before the trial court on each date of trial, without fail, till conclusion of the trial.
- (iii) She shall not indulge in any other offence of similar nature to the present one in any manner whatsoever, while on bail.

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

8. The ABLAPL is disposed of accordingly.

(*Chittaranjan Dash*)
Judge

S.K.Parida

