

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15604 of 2021

1. Sana Majhi

2. Renu @ Ranu Suna

Katakia @ Majhi

.... Petitioners

Mr.S.K. Mishra, Advocate

-versus-

State of Odisha

.... Opp. Party

Mr. D.K. Pani,

Addl. Standing Counsel

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
05.01.2022**

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in connection with Ambadola P.S. Case No.52 of 2015 corresponding to G.R. Case No. 164 of 2015 pending in the Court of learned J.M.F.C., Bissamcuttack for alleged commission of offences under sections 147, 427, 436, 149/34 of the Indian Penal.

Learned counsel for the petitioners submitted that the case was instituted on the basis of the first information report submitted by one Dillip Kumar Mohapatra before the Inspector in-charge of

Ambadola police station and accordingly, Ambadola P.S. Case No.52 of 2015 was registered under sections 427, 435/34 of the Indian Penal Code, which are bailable in nature and the petitioners were also arrested and they were directed to be released on bail, but subsequently charge sheet has been submitted under sections 147, 427, 436/149 of the Indian Penal Code on 31.01.2016. He placed the order dated 23.10.2021 of the learned J.M.F.C., Bissamcuttack passed in G.R. Case No. 164 of 2015 from which it reveals that so far as the petitioners are concerned, they were not present on that day and accordingly, summons were issued to them for their appearance on 06.11.2021. Learned counsel further submitted that since on higher offences charge sheet has been submitted, the petitioners apprehend that in the event they appear before the learned Court below pursuant to the summons issued to them, they may be taken into custody in spite of the earlier bail order.

Learned counsel for the State opposed the prayer for anticipatory bail on the ground that summons have been issued to the petitioners and there is no apprehension of arrest.

Considering the submissions made by the learned counsel for the respective parties, since summons have been issued to the petitioners, there is no apprehension of arrest, I am not inclined to

grant anticipatory bail to the petitioners. However, in the event the petitioners appear before the learned Court below and move for bail, the learned Magistrate shall dispose of the same in accordance with law expeditiously keeping in view the ratio laid down by the Hon'ble Supreme Court in the case of **Pradeep Ram -Vrs.- The State of JKharkhand and another reported in (2019) 75 Orissa Criminal Reports (SC) 321.**

With the aforesaid observation, the ABLAPL stands disposed of.

Issue urgent certified copy as per Rules.

(**S.K. Sahoo**)
Judge

PKSahoo

