

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15649 of 2021

1. Hariom Jindal
2. Radheshyam Jindal
3. Bhagaban Jindal **Petitioners**

Mr.S.N. 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 Sinapali P.S. Case No.142 of 2019 corresponding to C.T. Case No.139 of 2019 pending in the Court of learned J.M.F.C., Sinapali for alleged commission of offences under sections 341, 294, 323, 325, 506, 307, 451/34 of the Indian Penal.

Learned counsel for the petitioners submitted that on the basis of the first information report submitted by one Narottam Patra before the Inspector in-charge of Sinapali police station, Sinapali

P.S. Case No. 142 of 2019 was registered under sections 341, 294, 323, 325, 506/34 of the Indian Penal Code and section 25 of the Arms Act and thereafter, the petitioners were taken into custody and they were released on bail, but on completion of investigation, charge sheet has been submitted on 31.01.2020 under sections 341, 294, 323, 325, 506, 324, 307, 451/34 of the Indian Penal Code. 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 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 Jharkhand 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

