

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15402 of 2022

Ui Dalai and others

.... ***Petitioners***
Mr. M. Mishra, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. S.S. Pradhan, AGA

**CORAM:
JUSTICE A.K. MOHAPATRA**

**ORDER
19.12.2022**

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and learned Additional Standing Counsel for the State-Opposite Party.
3. The Petitioners are seeking pre-arrest bail in connection with Talchua Marine P.S. Case No.54 of 2019, corresponding to G.R. Case No.247 of 2019, pending in the court of learned N.G.N.-cum-J.M.F.C., Rajnagar, registered for alleged commission of offences punishable under Sections 143/147/323/355/354/436/294/506/149 of the I.P.C.
4. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant pre-arrest bail to the Petitioners. However, it is directed that in the event the Petitioners No.2 to 9 surrender and move an application for bail before the Court in seisin over the matter within a period of three weeks from today in the aforesaid case, the Court in seisin over the matter shall release them on bail on such terms and conditions as it would be deemed just and

proper.

5. It is further directed that the bail granted to the Petitioners No.2 to 9 is subject to the condition that learned court below shall verify whether the Petitioners No.2 to 9 have any criminal antecedent of similar nature. In the event it is found that the Petitioners No.2 to 9 have any criminal antecedent of similar nature, this bail order shall automatically stand revoked. Case diary along with the criminal antecedents be made available on the date of surrender of the Petitioners No.2 to 9 before the learned court below.

6. So far as Petitioner No.1 is concerned, if she surrenders before the learned N.G.N.-cum-J.M.F.C., Rajnagar in the aforesaid case in the first hour within 21 working days hence and moves for bail, the learned Magistrate shall consider her application for bail in the first hour strictly on the basis of the materials on record. In case of rejection of the bail application, she may move for bail before the higher forum in the second hour. On such event, the higher forum shall consider and dispose of her bail application on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

7. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the Petitioner No.1, if applied for.

8. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge