

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15817 of 2021

- 1. Gurubari Mallik**
- 2. Mitula Mallik**
- 3. Suma Mallik**
- 4. Reena Mallik**
- 5. Jhunu Mallik**
- 6. Prakas Mallik @ Tulua Mallik**
- 7. Kishor Mallik @ Kishore Mallik**
- 8. Niranjana Mallik**
- 9. Mantu Mallik**
- 10. Kalandi Mallik @ Kalia Mallik @ Jitendra Mallik**
- 11. Mohan Mallik**
- 12. Upendra Mallik**
- 13. Sanjay Mallik**
- 14. Abhi Mallik @ Mahendra Kumar Mallik**
- 15. Babua @ Brabrubhan Mallik**
- 16. Nidhi @ Jagabandhu Mallik**

Petitioners

Mr. D.P. Pradhan, Advocate

-versus-

State of Odisha

Opp. Party

Mr. Susama Rani Sahoo,
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).

Heard learned counsel for the petitioners and learned counsel for the State.

Learned counsel for the petitioners submitted that petitioner no.11 has been arrested in the meantime and he has also been released on bail, and therefore, he does not want to press the anticipatory bail application so far as petitioner no.11 Mohan Mallik is concerned. Accordingly, this anticipatory bail application so far as the petitioner no.11 is disposed of as not pressed.

This is an application under section 438 of Cr.P.C. for grant of anticipatory bail to the petitioners in connection with Binjharpur P.S.Case No.585 of 2021 corresponding to C.T. Case No. 2448 of 2021 pending in the Court of learned S.D.J.M., Jajpur for alleged commission of offences under sections 457/380/379/436/506/34 of the Indian Penal Code.

Perused the F.I.R. annexed to the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioners that due to previous dispute between the parties, the case has been foisted against them and after going through the contents of the first information report and the nature

of accusation against petitioners nos.1, 2, 3, 4, 5 who are ladies, keeping in view the proviso to section 437(1) Cr.P.C. I am inclined to release them on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioners nos.1, 2, 3, 4, 5 namely, Gurubari Mallik, Mitula Mallik, Suma Mallik, Reena Mallik and Jhunu Mallik in connection with the aforesaid case, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties each for the like amount to the satisfaction of the arresting officer with further conditions that they shall make themselves available for interrogation by the I.O. as and when required and they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing any facts to the Courts or to the investigating Officer. Violation of any of the conditions shall entail cancellation of bail.

So far as petitioners nos.6 to 10 and 12 to 16 are concerned, in view of the nature and gravity of the accusation against them and available materials on record, I am not inclined to release them on anticipatory bail.

Learned counsel for the petitioners submits that some of the co-accused persons have already been

released on bail and petitioners nos. 6 to 10 and 12 to 16 may be permitted to surrender in the Court below and move for bail and the claim of parity may be taken into account while adjudicating the bail application.

Considering the submissions made by the learned counsel for the respective parties, while not inclining to grant anticipatory bail to the petitioners nos. 6 to 10 and 12 to 16, I direct that in the event the petitioners nos. 6 to 10 and 12 to 16, surrender before the learned Court below within a period of four weeks from today and move for bail, the same shall be considered in accordance with law expeditiously and while disposing of the bail application, the learned Court below shall consider the claim of parity with the co-accused persons, who are stated to have been released on bail. The case records shall be made available to the Court concerned.

The ABLAPL stands disposed of.

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

(S.K. Sahoo)
Judge