

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 16609 of 2021

1. Abdul Faruk Khan
2. Sk. Sabani @ Subani @
Subhan Mohammad **Petitioners**

Mr.J.K. Khuntia, Advocate

-versus-

State of Odisha **Opp. Party**

Mr. Susamarani Sahoo
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

24.01.2022

Order No.

01. This matter is taken up through Video Conferencing Mode. संघटनिक न्यायो

Heard learned counsel for the petitioners and learned counsel for the State as well as Mr. Jyotiprakash Tripathy, learned counsel for the informant.

This is an application under section 438 of Cr.P.C. for grant of anticipatory bail to the petitioners in connection with Basta P.S. Case No.288 of 2020 corresponding Special Case No.01 of 2021 pending in the court of learned Addl. Sessions Judge-cum-Special Judge, Balasore for alleged commission of offences

under sections 498-A/363/376/120-B/506/294/323 of the Indian Penal Code read with section 6 of the D.P. Act.

Learned counsel for the petitioners submitted that the main allegation is against co-accused Sk. Irfan Mohammad who approached this Court for anticipatory bail in ABLAPL No.4911 of 2021 and as per the order passed by this Court, he surrendered in the Court below and released on bail. Learned counsel further submitted that some of the co-accused persons also approached this Court in ABLAPL No.11201 of 2021 and they have already been granted anticipatory bail by this Court as per order dated 11.11.2021 and therefore, the bail application of the petitioners may be favourably considered.

Learned counsel for the State as well as learned counsel for the informant opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties and in view of the nature and gravity of accusation against the petitioners, while not inclining to grant anticipatory bail to the petitioners, I direct that in the event the petitioners surrender before the learned Courts below within a period of four weeks from today, the same shall be disposed of as expeditiously as possible by the Courts below in accordance with law and claim of

parity with the co-accused shall be taken into account at the time of adjudication of the bail application. The case records shall be made available to the Court concerned.

The ABLAPL stands disposed of.

Parties may utilize the soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner prescribed vide Office Order dated 7th January 2022.

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