

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16721 of 2021

Narayan Jena @ Sandha* *Petitioner

Mr. Jagabandhu Sahoo,
Senior Advocate

-versus-

State of Odisha* *Opp. Party

Mr. A.K. Beura,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

25.01.2022

Order No.

01.

This matter is taken up by video conferencing mode.

Heard Mr. Jagabandhu Sahoo, learned Senior Advocate appearing for the petitioner and Mr. A.K. Beura, learned Additional Standing Counsel for the State of Odisha.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with G.R. Case No.314 of 2018 arising out of Kodala P.S. Case No.269 of 2018 pending in the Court of learned J.M.F.C., Kodala for alleged commission of offences under sections 147/148/302/120-B/149 of the Indian Penal Code read with sections 25(1-B)(a)/27 of the Arms Act.

Learned counsel for the petitioner submitted that the first information report was lodged by one Upendra

Parida on 18.11.2018 before the Inspector in-charge of Kodala police station and accordingly, Kodala P.S. Case No.269 dated 18.11.2018 was registered under section 302/34 of the Indian Penal Code read with sections 25/27 of the Arms Act. He further submitted that though the F.I.R. was lodged against eight persons but the petitioner has not been named in the first information report and on completion of investigation, the first charge sheet was submitted on 31.03.2019 under sections 147/148/302/120-B/149 of the Indian Penal Code read with sections 25(1-B)(a)/27 of the Arms Act and in the said charge sheet, the petitioner's name does not find place and the investigation was kept open and subsequently, another charge sheet was filed on 23.01.2021 and in that charge sheet also, the petitioner has not been named as an accused but during course of further investigation, some of the co-accused persons have named the petitioner to have helped them in the commission of crime and that is how the petitioner has been falsely entangled in the case. He further submitted that some of the co-accused persons, who were taken into custody have already been released on bail and therefore, the anticipatory bail application of the petitioner may be favourably considered.

Learned counsel for the State opposed the prayer for anticipatory bail.

Perused the F.I.R., copy of the charge sheet and statements of the witnesses.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation

against the petitioner, while not inclining to grant anticipatory bail to the petitioner, it is observed that in the event the petitioner surrenders in the Court below within a period of four weeks from today and moves for bail before the learned Court below, 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 persons, who are stated to have been released on bail, 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 is accordingly 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.

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

RKM