

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL No.16731 of 2021**

***Gobinda Naik***

*....*

***Petitioner***

*Mr. S.K. Mahanty, Advocate*

*-versus-*

***State of Odisha***

*....*

***Opp. Party***

*Smt. Susamarani Sahoo,  
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 learned counsel for the petitioner and learned counsel for the State.

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.458 of 2019 arising out of Gangapur P.S. Case No.113 of 2019 pending in the Court of learned S.D.J.M., Bhanjanagar for alleged commission of offence under section 394 of the Indian Penal Code read with section 25(1-B)(a) of the Arms Act.

Perused the F.I.R.

Learned counsel for the petitioner submitted

that though the case was registered under section 394 of the Indian Penal Code and section 25(1-B)(a) of the Arms Act but on completion of investigation, charge sheet has been submitted under section 395 of the Indian Penal Code. He further submitted that the F.I.R. is against unknown persons but during course of investigation, some co-accused persons were taken into custody and on the basis of their confessional statement before police, the petitioner has been falsely implicated in the case and therefore, the anticipatory bail application of the petitioner may be favourably considered.

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

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner and since there may be necessity of conducting test identification parade, 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 7<sup>th</sup> January 2022.

RKM

