IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.14519 of 2024

1) Pulata Mahanta @ Chepu **.....** ***Petitioners***
2) Duryadhan Barik @dhana
3) Susan Kumar Pradhan @ Alok
4) Damodar Das @ Damu
5) Biswajit Behera @ Bisu
6) Pritam Priyankar Pradhan @happy
7) K. Shiba Achari

Represented By Adv. -
Siddharth Goutam Das

-versus-

State Of Odisha **.....** ***Opposite Parties***

Represented By Adv. –
Mr.M.R.Behera, ASC

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
19.12.2024

Order No.

1. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the Petitioners as well as learned Additional Standing Counsel for the State. Perused the records.

3. This is an application under Section 482 BNSS filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 351(2), 326(f), 115(2), 296, 324(5), 190, 191(3) read with 4 & 5 of E.S.Act.

4. It is stated by the learned counsel for the Petitioners that the Petitioners are young boys of the locality. He further contended that on the day following

Deepwali, they were exploded fire crackers, as a result of which they have been implicated in the present case. He further submitted that the injuries sustained by the injured are not grievous in nature. He also submitted that Petitioner No.2 is having two criminal antecedents and other Petitioners are having no criminal antecedent. He also submitted that Petitioner Nos. 3 & 4 are aged about 20 years and young boys of the locality and having bright future. On such ground, learned counsel for the Petitioners submitted that the Petitioners be released on bail on any terms and conditions.

5. Learned Additional Standing Counsel on the other hand objected to the release of the Petitioners on pre-arrest bail on the ground of seriousness and gravity of the allegation and that the investigation is on.

6. Taking into consideration the aforesaid submissions of the learned counsel for the respective parties, on careful examination of the materials on record and further keeping in view the fact that Petitioner Nos. 3 & 4 are aged about 20 years and except the Petitioner No.2 other Petitioners do not have any criminal antecedents, the Petitioners except Petitioner No.2 are directed to surrender and move an application for bail before the learned J.M.F.C.-III, Bhubaneswar in C.T. Case No.1296 of 2024 arising out of Sahidnagar P.S.Case No.485 of 2024 within a period of three weeks from today. In such eventuality, learned court in seisin over the matter shall do well to release the Petitioners on

bail on such terms and conditions as the learned Magistrate may deem just and proper in the facts and circumstances of the case, but subject to verification of injury and criminal antecedent. In the event it is found that the injured has sustained grievous injury and that the Petitioners except Petitioner No.2 are having any criminal antecedent of similar nature, this order shall not be given effect to. While imposing conditions, learned court in seisin over the matter shall impose the following additional conditions:

i) shall cooperate with the investigation and appear before the I.O. as and when required for the purpose of investigation;

ii) shall not indulge in similar nature of criminal activities while on bail;

iii) shall not threaten, influence, harass or terrorise the informant and prosecution witnesses in any manner whatsoever;

iv) shall appear before the trial court on each date of posting without fail.

Violation of conditions either imposed by this Court or by the court in seisin over the matter shall entail cancellation of bail.

7. On the submission of the learned counsel, the Petitioner No.2 is given liberty to surrender before the learned J.M.F.C.-III, Bhubaneswar in the aforesaid case in the first hour within 21 working days hence and move for bail. On such

event, the learned Magistrate shall consider his application for bail in the first hour strictly on the basis of the materials on record. In case of rejection of the bail application, the Petitioner may move for bail before the higher forum in the second hour. On such event, the higher forum shall consider and dispose of the bail application of the Petitioner No.2 on the same day strictly on the basis of the materials on record.

8. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the Petitioner No.2, if applied for.

9. The ABLAPL is accordingly disposed of.

10. Issue urgent certified copy of this order as per Rules.

(ADITYA KUMAR MOHAPATRA)
JUDGE

RKS

Signature Not Verified
Digitally Signed
Signed by: RAMESH KUMAR SINGH
Reason: Authentication
Location: High Court of Orissa
Date: 20-Dec-2024 16:33:18