



IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14481 of 2024

1) Rabi @ Rabindra Malik		Petitioners
2) Avina Malik		Represented By Adv. –
3) Ranjan Malik		Mr. Bibekananda
4) Ganga@gagan Malik		Mahapatra
5) Silua Malik		
6) Sania Malik@sanatan Malik		
7) Balaram@balia Malik		
8) Natia@nityananda Malik		
9) Radhika Malik		
10) Seba Malik		
11) Kamalin Malik		
12) Bimali Malik		
13) Mamina Malik		
14) Rubi@chhabhi Malik		
15) Jagabandhu Malik@jaya@jaga Malik		

-versus-

State Of Odisha		Opposite Party
		Represented By Adv. –
		Mr. Samresh Jena, ASC

CORAM:

THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

19.12.2024

Order No.

- 01.
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 appearing for the State-Opposite Party.

3. The present application has been filed by the Petitioners seeking pre-arrest bail in connection with Sukinda P.S. Case No.72 of 2019, corresponding to C.T. Case No.345 of 2019, pending in the court of learned G.N.-cum-J.M.F.C., Sukinda, for alleged commission of offences punishable under Sections 147/148/294/323/307/34 of I.P.C.

4. It is stated by the learned counsel for the Petitioners that the present case arises out of a dispute between the two groups of the village due to a political rivalry between the two groups. He further contended that members of both groups sustained minor injuries. He further submitted that the injured has not sustained any grievous injury. Learned counsel for the Petitioners further submitted that the Petitioner No.1 and 2 are having one criminal antecedent each. So far other Petitioners are concerned, they do not have any criminal antecedent. Learned counsel for the Petitioners further submitted that the Petitioners belong to the locality, therefore, there is no chance of their absconding. On such ground, learned counsel for the Petitioners submitted that the Petitioners be released on pre-arrest bail on any stringent terms and conditions which the Petitioners shall abide by while on pre-arrest bail.

5. Learned counsel for the State, on the other hand,



opposed the release of the Petitioners on pre-arrest bail on the ground of seriousness and gravity of the allegation. He further submitted that in the event the Petitioners are released on per-arrest bail, there is every likelihood that they might abscond from justice.

6. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant pre-arrest bail to the Petitioners. However, it is directed that in the event the Petitioners surrender before the Court in seisin over the matter within a period of four weeks from today and move an application for bail, the Court in seisin over the matter shall release them on bail in connection with the aforesaid case on such terms and conditions as it may deem just and proper in the facts and circumstances of the case, but subject to verification of criminal antecedent of the Petitioners as well as injury report. In the event it is found by the court below that the Petitioners, except Petitioners No.1 and 2, are having any criminal antecedent and Petitioners No.1 and 2 are having more than one criminal antecedent or the injuries sustained by the injured are grievous in nature, then this order shall automatically stand revoked. The release of the Petitioners shall also be subject to such other terms and conditions that would be imposed by the court in seisin over the matter. Violation of any of the terms and conditions shall entail cancellation of bail.



7. Further, the release of the Petitioners No.1 and 2 shall also be subject to furnishing a cash security of Rs.3,000/- (Rupees three thousand) each before the Court in seisin over the matter which shall be kept in interest bearing fixed deposit account in the name of the court in any nationalized bank and renewed from time to time till disposal of the case. The said deposit shall be subject to the final outcome of the trial.

8. Accordingly, the ABLAPL is disposed of.

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

(Aditya Kumar Mohapatra)
Judge

Debasis