



IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9208 of 2024

1) *Bansidhara Gouda*

.....

*Petitioners*

2) Faganu Gouda

Represented By Adv. -  
Jayakrishna Mohapatra

-versus-

*State Of Odisha*

.....

*Opposite Parties*

Represented By Adv. -

**CORAM:**

**THE HON'BLE MR. JUSTICE ADITYA KUMAR  
MOHAPATRA**

**ORDER**

**Order No.**

**31.08.2024**

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioners and learned Additional Standing Counsel for the State.
3. The present application has been filed under Section 438 Cr.P.C. for releasing the Petitioners on anticipatory bail. In view of the bar under Section 143/147/ 148/149/294/323/324/337/307/506 of IPG and u/s 3(1)(r)(s) /3(2)(v)(va) of SC & ST (P.A.)Act, the present application under Section 438 Cr.P.C. is not maintainable. The provision of Section 438 Cr.P.C. is not applicable to the case registered involving an offence under the S.C. & S.T. Act.
4. Further, this Court has also elaborately discussed the issue in the case of **Pramod Kumar Ray and others-vrs.-State of Odisha**, reported in **(2017) 67 OCR 309**. In the light of the principle laid down by this Court in **Pramod Kumar Ray** (supra), the present bail



application is being disposed of with the following observations.

5. It is submitted by the learned counsel for the Petitioners that the injuries sustained by the injured are simple in nature.

6. The Petitioners shall surrender before the learned Sessions Judge-Cum-Special Judge, Nabarangpur in connection with Kodinga P.S Case No. 116 of 2024 corresponding to T.R. No. 13 of 2024. Seven days before the Petitioners surrender before the said Court, they or their counsel shall serve a copy of the bail application or such number of copies of the bail application on the learned Public Prosecutor/Special Public Prosecutor, as required by him, for the purpose of notice to the victim or his/her counsel or dependent.

7. Further, it is directed that on advance intimation the case diary and other relevant materials be made available to the Court in seisin over the matter by the date of surrender. The learned Court in seisin over the matter is further directed to consider the case of the Petitioners in accordance with law and shall dispose of the bail application on the very same day.

8. Till the date of surrender of the Petitioners as stipulated in this order, the Petitioners shall not be arrested in connection with the aforesaid case.

9. The ABLAPL is accordingly disposed of.

10. Issue urgent certified copy as per Rules.

**( A.K. Mohapatra )**  
**Judge**

RKS



Signature Not Verified

Digitally Signed  
Signed by: RAMESH KUMAR SINGH  
Reason: Authentication  
Location: High Court of Orissa  
Date: 02-Sep-2024 15:34:29

