

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10 of 2022

***Nanua @ Nania @ Jitendra
Khuntia***

....

Petitioner

Mr. Arijeet Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. T.K. Praharaj, S.C. for State

CORAM:

JUSTICE A.K.MOHAPATRA

**ORDER
28.01.2022**

Order No.

01.
 1. This matter is taken up through Video Conferencing mode.
 2. Heard learned counsel for both the parties and perused the records.
 3. The Petitioner apprehends his arrest in connection with Marsaghai P.S. Case No.351 of 2021, corresponding to G.R. Case No.1938 of 2021, pending in the court of learned S.D.J.M., Kendrapra, for the alleged commission of offence under Section 395 I.P.C.
 4. Considering the facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the Petitioner. However, on the submission of the learned counsel for the Petitioner, the Petitioner is granted liberty to surrender before the learned S.D.J.M., Kendrapara in the aforesaid case in the first hour within 21 (twenty one) working days hence and move for bail. In such event, learned Magistrate shall consider the application for bail in the first hour strictly on the basis of the materials available on record. In case of rejection of the bail application, the Petitioner may

move for bail before the Higher Forum in the second hour. In such event, the Higher Forum shall consider and dispose of the bail application of the Petitioner on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

5. Case Diary be made available to the concerned court. Records be transmitted to the Higher Forum at the cost of the Petitioner, if applied for.

6. The ABLAPL is accordingly disposed of.

7. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Office Order dated 7th January, 2022.

(A.K. Mohapatra)
Judge