

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.49 of 2022

Babula Swain @ Andha Swain .... Petitioner

Mr. S.S. Ray-2, Advocate

-Versus-

State of Odisha .... Opposite Party

Mr. P.C. Das, Additional Standing Counsel

CORAM:  
MR. 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 the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is apprehending arrest for the alleged commission of offence under Section 302/34 of the IPC in G.R. Case No.57 of 2018 of the court learned J.M.F.C., Sheragada, arising out of Sheragada P.S. Case No.32 of 2018.
4. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioner.
5. However, on the submission of the counsel, the Petitioner is given liberty to surrender before the learned J.M.F.C., Sheragada in the aforesaid case in the first hour

within 21 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 on the same day strictly on the basis of the materials on record by maintaining principles of parity, if applicable.

6. Case Diary be made available to the concerned courts. Record be transmitted to the higher forum at the cost of the Petitioner, if applied for.

7. The ABLAPL is disposed of.

8. As the restrictions due to the COVID-19 situation are continuing, learned counsel for the parties may utilize a 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 Court's Notice No.4587, dated 25 March, 2020 as modified by Court's Notice No.4798, dated 15<sup>th</sup> April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7<sup>th</sup> January, 2022.

(A.K. Mohapatra)  
Judge