

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.297 of 2022

Mahesh Dalai and another

.... ***Petitioners***
Mr. J.K. Majhi, *Advocate*

-versus-

State of Odisha

.... ***Opp. Party***
Mr.P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
25.07.2022

Order No.

- 02.
1. This matter is taken up through Video Conferencing mode.
 2. Heard learned counsel for both the parties and perused the records.
 3. The Petitioners are apprehending arrest for the alleged commission of offences under Sections 272/273/34 of the Indian Penal Code read with Section 52(a) of Odisha Excise Act in C.T. Case No.851 of 2021 of the Court of the learned S.D.J.M., Balasore, arising out of Chandipur P.S. Case No.80 of 2021.
 4. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioners.
 5. It is submitted by the learned counsel for the Petitioners that one of the co-accused has already been released on bail.
 6. However, on the submission of the learned counsel, the Petitioners are given liberty to surrender before the learned S.D.J.M., Balasore 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 Petitioners 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 Petitioners on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

7. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the Petitioners, if applied for.
8. The ABLAPL is accordingly disposed of.
9. Issue urgent certified copy of the order as per Rules.

