

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.402 of 2022

Pradeep Behera

....

Petitioner

Mr. P. Panigrahi, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr. A.K. Beura,
Addl. Standing Counsel*

CORAM:

JUSTICE S.K. SAHOO

ORDER

01.02.2022

Order No.

01.

This matter is taken up by video conferencing mode.

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with G.R. Case No.05 of 2022 arising out of Parjang P.S. Case No.05 of 2022 pending in the Court of learned J.M.F.C., Parjang for alleged commission of offence under section 394 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the petitioner submitted that the offence is triable by Magistrate and therefore, the anticipatory bail application of the petitioner may be favourably considered.

Learned counsel for the State, on the other hand,

opposed the prayer for anticipatory bail and submitted that assaulting the informant by means of a 'bhujali', Rs.15,000/- (rupees fifteen thousand) has been taken away by the petitioner.

In view of the nature and gravity of the accusation against the petitioner, while not inclining to grant anticipatory bail to the petitioner, it is observed that in the event the petitioner surrenders in the Court below within a period of four weeks from today and moves for bail before the learned Court below, the same shall be disposed of as expeditiously as possible by the Courts below in accordance with law and claim of parity with the co-accused persons, who are stated to have been released on bail, shall be taken into account at the time of adjudication of the bail application. The case records shall be made available to the Court concerned.

The ABLAPL is accordingly disposed of.

Parties may utilize the 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 Office Order dated 7th January 2022.

(S.K. Sahoo)
Judge

RKM