

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.436 of 2022

P. Sunita @ G. Sunita

....

Petitioner

Mr. B. Mohapatra, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. P.C. Das, A.S.C.

*Mr. S.K. Mishra, Advocate for the
Infomant*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

11.10.2022

Order No.

04.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. On the request of the learned counsel for the parties, the matter was sent to Orissa High Court Mediation Center.
4. On perusal of the report of the mediation dated 24.09.2022, it appears that despite notice, mediation proceeding being adjourned on different dates i.e. 20.09.2022, 22.09.2022 and 24.09.2022 and the petitioner did not cooperate with the mediation. Accordingly, mediator submits his report stating therein that mediation is unsuccessful.
5. The petitioner is seeking pre-arrest bail in connection with I.C.C. Case No.5221 of 2021 arising out of City P.S. Case No.276 of 2021, pending in the court of learned S.D.J.M., Bhubaneswar for commission of offences punishable under Sections 294/406/420/468/

471/506/509/34, I.P.C.

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 learned counsel, the petitioner is given liberty to surrender before the learned S.D.J.M., Bhubaneswar 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 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 the principles of parity, if applicable.

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

7. The ABLAPL is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge