

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.809 of 2022

Sibuna @ Sibuna Prasad Petitioner
Behera

Mr. B.K. Ragada, Advocate

-versus-

State of Odisha Opp. Party

Mr. J.P. Patra,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

03.02.2022

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.2049 of 2020 arising out of Choudwar P.S. Case No.440 of 2020 pending in the Court of learned J.M.F.C. (Rural), Cuttack for alleged commission of offences under sections 272/273/34 of the Indian Penal Code read with section 52(a) of the Odisha Excise Act, 2008.

Perused the F.I.R.

Learned counsel for the petitioner submitted that the co-accused Ajay Das, who was apprehended disclosed

the name of the petitioner and he was produced in the Court below and he has been released on bail and the petitioner may be permitted to surrender in the learned Court below and move for bail and claim of parity may be taken into account.

Learned counsel for the State has no objection.

Considering the nature of 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, who is 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