

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1037 of 2020

Prasanta Behera & Others

.... Petitioners

Mr.B. Parija, Advocate

-versus-

State of Odisha

.... Opposite Party

Mr.D.R. Parida, ASC

Mr.K.K. Gaya, Advocate for the Informant

**CORAM:
MR. JUSTICE D.DASH**

**ORDER
10.02.2022**

Order No.

- 04.
1. This matter is taken up through hybrid arrangement (virtual/ physical) mode.
 2. The Petitioners having been implicated in Balikuda P.S. Case No.20 of 2019 corresponding to G.R. Case No.181 of 2019 registered for alleged commission of offence under section 147/148/149/323/354/307/294/506 of the IPC, pending on the file of learned S.D.J.M., Jagatsinghpur, have filed this application under section 438 of the Cr.P.C. for grant of anticipatory bail in the above mentioned case.
 3. Heard learned counsel for the Petitioners and learned counsel for the State as also for the Informant.
 4. Considering the submissions and viewing the materials on record as also other surrounding circumstances, while being not inclined to grant of anticipatory bail to the Petitioners, this

application is disposed of with the observation that in the event the Petitioners surrender before the court in seisin of the aforesaid case and move for their release on bail, the same shall be considered on its own merit; further taking into account the factum of release of co-accused person(s) on bail, if similarly situated with the Petitioners on the ground of parity, as per law and disposed of early in accordance with law so as to enable the Petitioners to approach the next higher forum early in case necessity so arises.

The case record be made available at the cost of the Petitioners.

Interim order passed on 7.2.2020 stands vacated

5. The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**