

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.988 of 2022

Goutam Naik

.... ***Petitioner***
Mr. C.R. Dash, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. T.K. Praharaj, S.C. for State

**CORAM:
JUSTICE A.K.MOHAPATRA**

ORDER
04.02.2022

Order No.

01. 1. This matter is taken up through Video Conferencing mode.
2. Heard learned counsel for both the parties and perused the records.
3. The Petitioner apprehends his arrest in connection with Capital P.S. Case No.12 of 2022, corresponding to C.T. Case No.119 of 2022, pending in the court of learned S.D.J.M., Bhubaneswar, for the alleged commission of offences under Sections 341/323/325/324/326/307/34 I.P.C.
4. Learned counsel for the Petitioner submits that the injuries sustained by the injured are simple in nature.
5. Considering the nature of allegations made against the Petitioner, this Court grants liberty to the Petitioner to surrender before the learned S.D.J.M., Bhubaneswar in the aforesaid case in the first hour within 21 (twenty one) working days hence and moves for bail. In such event, learned Magistrate shall consider the application for bail in the first hour strictly on the basis of the materials available on record. In case of rejection of the bail

application, the Petitioner may move for bail before the Higher Forum in the second hour. In 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 court. Records be transmitted to the Higher Forum at the cost of the Petitioner, if applied for.

7. This Court further observes that in the event the injuries are found to be grievous in nature, this order shall not be given effect to.

8. The ABLAPL is accordingly disposed of.

9. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Office Order dated 7th January, 2022.

(A.K. Mohapatra)
Judge