

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1006 of 2022

Bimalendu Mishra

.... ***Petitioner***
Mr. B.S. Mishra, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. T.K. Praharaj,
Standing Counsel

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 the Petitioner and learned Additional Standing Counsel for the State.
 3. It is submitted by learned counsel for the petitioner that some of the co-accused persons have already been released on bail and he may be given parity.
 4. The petitioner is apprehending arrest for the alleged commission of offence under Sections 498-A/341/323/294/447/506/34, I.P.C. read with Section 4 of the D.P. Act in G.R. Case No.1211 of 2021, arising out of Kujang P.S. Case No.439 of 2021.
 5. Considering the nature of allegations, gravity of offence and the fact of the case I am not inclined grant anticipatory bail to the Petitioner.
 6. However, on the submission of the learned counsel, the

Petitioner is given liberty to surrender before the J.M.F.C.(P), Kujang 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 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.

7. 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.

8. Accordingly, the ABLAPL is disposed of.

9. As the restrictions due to the COVID-19 situation are continuing, learned counsel for the parties may utilize a 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 Court's Notice No.4587, dated 25 March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(A.K. Mohapatra)
Judge

Jagabandhu