

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1086 of 2022

Sujit Kumar Majhi and another ***Petitioners***
Mr. P.K. Nayak, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. Sk. Zafarulla, A.S.C.

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 Petitioners and learned Additional Standing Counsel for the State.
 3. It is submitted by learned counsel for the Petitioners that some of the co-accused persons have already been released on bail and they may be given parity.
 4. The petitioners are apprehending arrest for the alleged commission of offence under Sections 420/468/471/34, I.P.C. in G.R. Case No.15 of 2008, arising out of Kantabanji P.S. Case No.10 of 2008.
 5. Considering the nature of allegations, gravity of offence and the fact of the case I am not inclined grant anticipatory bail to the Petitioners.
 6. However, on the submission of the learned counsel, the Petitioners are given liberty to surrender before the J.M.F.C., Kantabanji 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 their application for bail in the first hour strictly on the basis of materials on record. In case of rejection of the bail application, the Petitioners 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 Petitioners 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 Petitioners, 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