

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 1637 of 2022

Babaji @ Madhusudan **Petitioner**
Nayak

Mr.P.R. Mishra, *Advocate*

-versus-

State of Odisha **Opp. Party**

Mr. D.K. Mishra

Addl. Government Advocate

CORAM:

JUSTICE S.K. SAHOO

ORDER

28.02.2022

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical 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 Bhadrak Rural P.S. Case No.62 of 2022 corresponding to G.R. Case No.299 of 2022 pending in the Court of learned S.D.J.M., Bhadrak for alleged commission of offence under section 395 of the Indian Penal Code.

Learned counsel for the petitioner submitted

that two of the co-accused persons, namely, Mitu and Chandu were arrested and they have already been released on bail by the learned court below and the ingredients of the offence under section 395 of the Indian Penal Code are not attracted and therefore, the anticipatory bail application of the petitioner may be favourably considered.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner and since it is a case under section 395 of the Indian Penal Code, while not inclining to grant anticipatory bail to the petitioner, I direct that in the event petitioner surrenders and moves for bail before the learned Court below within a period of four weeks from today, the same shall be disposed of by the Courts below expeditiously in accordance with law and if any co-accused has been released on bail in the meantime, the claim of parity shall be taken into account. The case diary be made available before the Courts concerned for disposal of the bail applications.

The ABLAPL stands disposed of.

Urgent certified copy of this order be granted
on proper application.

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(S.K. Sahoo)
Judge

