

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 1774 of 2022

Debendra Mallick **Petitioner**

Mr.B.K. Ragada, Advocate

-versus-

State of Odisha **Opp. Party**

Mr. D.K. Mishra
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

03.03.2022

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 G.R. Case No.734 of 2020 arising out of Chandaka P.S. Case No.165 of 2020 pending in the Court of learned J.M.F.C. (O), Bhubaneswar for alleged commission of offences under sections 341/394/294/307/427/34 of the Indian Penal Code.

Perused the F.I.R.

It is a case under section 307 of the Indian

Penal Code.

Learned counsel for the petitioner submitted that the F.I.R. was lodged against unknown persons but during course of investigation, one co-accused namely Kalu @ Prakas Swain was taken into custody and he disclosed the name of the petitioner and accordingly, the petitioner has been entangled in the case. He further submitted that in the meantime, the said co-accused has already been granted anticipatory bail by this Court.

Learned counsel for the State opposed the prayer for anticipatory bail.

Considering the nature of accusation against the petitioner, while not inclining to grant anticipatory bail to the petitioner, it is observed that in the event the petitioner surrenders in the Court below within a period of four weeks from today and moves for bail before the learned Court below within a period of four weeks from today, the same shall be disposed of as expeditiously as possible by the Courts below in accordance with law and claim of parity with the co-accused, who is stated to have been released on bail, shall be taken into account at the time of adjudication of the bail application. The case records shall be made available to the Court concerned.

The ABLAPL is accordingly disposed of.

Urgent certified copy of this order be granted on

proper application.

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(S.K. Sahoo)
Judge

