

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2188 of 2022

Md. Akbar

....

Petitioner

Mr. S.R. Rout, Advocate

-versus-

1. State of Odisha

....

Opp. Parties

2. Dali Biswal

Mr.S.S.Pradhan,

Addl. Government Advocate

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
16.03.2022**

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard the learned counsel for the petitioner and learned counsel for the State.

This is an application under section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Malgodown P.S. Case No. 34 of 2022 corresponding to G.R. Case No. 187 of 2022 pending in the Court of learned J.M.F.C. (C), Cuttack for the commission of the alleged offences punishable under sections 341, 323, 307, 34 of the Indian Penal Code.

Perused the first information report annexed to the anticipatory bail application.

Learned counsel for the petitioner submitted that

the co-accused Eshar Ahmed Khan who has been named as an accused in the FIR was taken into custody and he has been released on bail and the petitioner has not been named in the F.I.R. but there is every apprehension of his arrest in connection with this case. He further submitted the ingredients of offence under section 307 of the Indian Penal Code are not attracted.

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, while not inclining to grant anticipatory bail to the petitioner, liberty is granted to the petitioner to surrender and move for bail in the Court below within a period of four weeks from today, in the event of which the learned Courts below shall dispose of the same in accordance with law expeditiously and the claim of parity with the co-accused, who is stated to have been released on bail shall be taken into account. The case records shall be made available to the Courts concerned for disposal of the bail application.

The ABLAPL stands disposed of.

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

(S.K. Sahoo)
Judge

