

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2292 of 2022

Santosh Behera

....

Petitioner

Mr.S.K. Bhanjadeo, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

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

**ORDER
22.03.2022**

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 Polasara P.S. Case No.177 of 2021 corresponding to G.R. Case No. 296 of 2021 pending in the Court of learned J.M.F.C., Polasara for the commission of the alleged offences punishable under sections 341, 294, 323, 325, 307, 379, 506, 34 of the Indian Penal Code.

Learned counsel for the petitioner submitted that the first information report indicates that on

account of the lathi blow given by co-accused Hritik @ Hritik Sahu, the informant Prasant Parida sustained grievous injury on his right hand and the accusation against the petitioner is omnibus in nature and in the meantime on completion of investigation, charge sheet has been submitted, inter alia, for commission of offence under section 307 of the Indian Penal Code and the co-accused Bala @ Prakash Subudhi was taken into custody and he has already been released on bail and the petitioner is similarly situated and therefore, the anticipatory bail application may be favourably considered.

Learned counsel for the State, on the other hand, opposed the prayer for anticipatory bail and submitted that the injury report of Prasant Parida indicates that he has sustained grievous injury and the petitioner and other co-accused persons participated in the assault of the informant and Hritik assaulted on the right hand of the informant.

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, it is observed that in the event the petitioner surrenders and moves for bail in the Court below within a period of four weeks from today, the learned Courts below shall dispose of the same in accordance with law expeditiously and if any co-accused has been released

on bail in the meantime, the claim of parity shall be taken into account. The case records be made available before the Courts concerned for adjudication of the bail application.

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

(S.K. Sahoo)
Judge

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