

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2343 of 2022

Budhia Jena

....

Petitioner

Mr. Debasis Mishra, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. P.K. Mohanty

Addl. Standing Counsel

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

**ORDER
23.03.2022**

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.(G.N.) Case No.63 of 2022 arising out of Ghasipura P.S. Case No.33 of 2022 pending in the Court of learned N.G.N., Ghasipura for alleged commission of offence under section 386/34 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the petitioner submitted that some of the co-accused persons were taken into judicial custody and they have been released on bail and the offence is triable by Magistrate and therefore, the anticipatory bail application of the petitioner may be

favourably considered.

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

Considering the submissions made by the learned counsel for the respective parties, 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, 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 persons, who are 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.

संक्षिप्त न्याय

(**S.K. Sahoo**)
Judge
ORISSA

RKM