

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2745 of 2022

Mukesh Mishra

....

Petitioner

Mr. Abhas Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. YSP Babu, AGA for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

21.04.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for both the parties and perused the records.
3. This is an application under Section 438 Cr.P.C. filed by the Petitioner for anticipatory bail.
4. As it appears from the record, the Petitioner had earlier filed a bail application, i.e. ABLAPL No.1098 of 2022. This Court after considering the materials on record has been pleased to direct the Petitioner vide its order dated 04.02.2022 to surrender before the court below and move for bail. However, due to communication gap, he could not surrender before the learned court below within the stipulated period of time. Therefore, the present bail application has been filed. It is submitted that the principal accused has been acquitted in the trial. He further submits that the informant in his cross-examination has submitted that he does not want to pursue this bail application any further.

5. Considering the facts and circumstances of the case, this Court in disposal of the bail application directs the Petitioner to surrender before the learned J.M.F.C., Binika in G.R. Case No.192 of 2021, arising out of Binika P.S. Case No.203 of 2021 within a period of ten days. In such event, learned Magistrate shall consider the bail application of the Petitioner taking into consideration the fact that the principal accused, namely, Bablu @ Chitrasen Bagh has been acquitted by the learned J.M.F.C., Binika, vide its order dated 28.03.2022.

6. It is further made clear that in the event an application is filed, the case record shall be made available.

7. With the above direction, the ABLAPL stands allowed.

8. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge