

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2820 of 2022

Dillip Parida

....

Petitioner

Mr. A.K. Nath, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr. D.K. Pani,
Addl. Standing Counsel*

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

**ORDER
19.04.2022**

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 Motanga P.S. Case No.40 of 2022 corresponding to G.R. Case No.227 of 2022 pending in the Court of learned S.D.J.M., Dhenkanal for alleged commission of offences under sections 341, 379, 427, 323, 435/343 of the Indian Penal Code.

Learned counsel for the petitioner submitted that though initially the case was registered under Magistrate triable offences but subsequently the case has turned to one under section 395 of the Indian

Penal Code. He further submitted that some of the co-accused persons were taken into custody and they have already been released on bail and the petitioner may be permitted to surrender in the Court below and move for bail and the claim of parity with the co-accused released on bail may be taken into account while adjudicating the bail application.

Learned counsel for the State has no serious objection to such prayer.

Considering the submissions made by the learned counsel for the respective parties, while not inclining to grant anticipatory bail to the petitioner, I direct that in the event the petitioner surrenders and moves for bail before the learned Court below within a period of four weeks from today, the same shall be considered in accordance with law expeditiously by the learned Courts below and while disposing of the bail application, the learned Courts below shall consider the claim of parity with the co-accused persons, who are stated to have been released on bail. The case records shall be made available to the Court concerned.

The ABLAPL stands disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

