

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.3124 OF 2020

Jyoti Ranjan Nayak & Another

.... ***Petitioners***
Mr.A.K. Rout, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr.G.N. Rout, ASC.

**CORAM:
MR. JUSTICE D.DASH**

**ORDER
28.02.2022**

Order No.

- 03.
1. This matter is taken up by video conferencing mode.
 2. The Petitioners having been implicated in Dhamnagar P.S. Case No.150 of 2018 corresponding to G.R. Case No.289 of 2018 registered for alleged commission of offence under section 379 of the IPC, pending on the file of learned J.M.F.C., Dhamnagar, have filed this application under section 438 of the Cr.P.C. for their grant of anticipatory bail in the event of their arrest in the above mentioned case.
 3. Heard learned Counsel for the Petitioners and learned Counsel for the State.
 4. Considering the submissions and viewing the materials on record as also other surrounding circumstances, while being not inclined to grant of anticipatory bail to the Petitioner, this application is disposed of with the observation that in the event the Petitioners surrender before the Court in seisin of the

aforesaid case and move for their release on bail, the same shall be considered on its own merit; further taking into account the factum of release of co-accused person(s) on bail, if similarly situated with the Petitioners on the ground of parity, as per law and disposed of early in accordance with law so as to enable the Petitioners to approach the next higher forum early in case necessity so arises.

The case record be made available at the cost of the Petitioners.

Interim order passed on 05.05.2020 stands vacated

5. The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**

Narayan