

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.3348 OF 2020

Bishal Naik & Another

.... Petitioners

Mr.S. Bahadur, Advocate

-versus-

State of Odisha

.... Opposite Party

Mr. D.R. Parida, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

03.03.2022

Order No.

- 03.
1. This matter is taken up by video conferencing mode.
 2. The Petitioners having been implicated in connection with Talsara P.S. Case No.19 of 2020 corresponding to G.R. Case No.212 of 2020 pending on the file of learned S.D.J.M., Sundargarh for alleged commission of offence under section-394 of the IPC, have filed this application under section-438 of the Cr.P.C. for their release on bail in the event of his arrest in the above mentioned case.
 3. Heard learned Counsel for the Petitioners and learned Counsel for the State.
 4. Considering the submissions made and on going through the materials on record, as also the surrounding circumstances; while being not inclined to grant anticipatory bail to the Petitioners, it is observed that in the event the Petitioners surrender before the Court in seisin of the case within a week hence in the above mentioned case and moves for his 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 during the first hour in accordance with law without being prejudiced by this order so as to enable the Petitioners to approach the next higher forum during the course of the day, in case necessity so arises unless there stands any legal impediment.

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

5. The ABLAPL is accordingly disposed of.

Interim order passed on 05.05.2020 stands vacated.

Issue urgent certified copy as per rules.

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

Narayan

