

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.3671 OF 2020

Mithun Bhola @ Mithun Kumar ***Petitioners***
Bholo & Three Others

Mr.J. Samantaray, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr. S.K. Nayak, AGA,

Mr. S.S. Ray-2, Adv. (Informant)

CORAM:

MR. JUSTICE D.DASH

ORDER

07.03.2022

Order No.

03. 1. This matter is taken up by video conferencing mode.
2. The Petitioners having been implicated in connection with Hinjili P.S. Case No.58 of 2020 corresponding to G.R. Case No.52 of 2020 pending on the file of learned J.M.F.C., Hinjilicut for alleged commission of offence under section-341/323/326/307/34 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 as well as learned Counsel for the Informant.
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 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 persons(s) on bail, if similarly situated with the Petitioner 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 07.05.2020 does no more survive.

Issue urgent certified copy as per rules.

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

Narayan

