

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 3699 OF 2022

Radhakanta Palaka @ Radhakant Palka

***..... Petitioner
Mr. P.K. Mishra, Advocate***

-versus-

State of Odisha

***..... Opposite Party
Mr. K.K. Gaya, ASC***

CORAM:

JUSTICE V. NARASINGH

**ORDER
16.05.2022**

Order No.

01.

1. This matter is taken up through Hybrid Mode.
2. Heard Mr. P.K. Mishra, learned counsel for the petitioner and Mr. K.K. Gaya, learned Additional Standing Counsel for the State..
3. This is an application under Section-438 Cr.P.C for anticipatory bail.
4. Taking into consideration the facts and submissions, this ABLAPL is disposed of with the observation that the petitioner, if so advised, may surrender before the learned S.D.J.M., Gunupur in connection with G.R. Case No. 446 of 2020 arising out of Gudari P. S. Case No. 84 of 2020 within three weeks from today.
6. In the event of his surrender and motion for bail, the application for bail shall be considered by the learned S.D.J.M.,

Gunupur on merit in accordance with law, in the first hour of the day.

7. In the event of rejection of the prayer for bail by the S.D.J.M., Gunupur, the petitioner is at liberty to move the higher forum for bail in the second hour on the same day. On being so moved, the higher forum shall do well to dispose of the bail application of the petitioner on the same day on merit in accordance with law.

8. The Case Diary be made available to the concerned Courts to facilitate disposal of the bail application of the petitioners, and learned S.D.J.M., Gunupur is called upon to transmit the case record to the higher forum in the second hour, in the event of rejection of the bail application by him.

9. Ground of parity, if any, may be considered by the learned Courts below on same being urged by learned counsel for the petitioner at the time of consideration of the bail application.

10. The ABLAPL is disposed of accordingly.

11. Urgent certified copy of this order be granted as per rule.

Balaram

*(V.Narasingh)
Judge*