

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 3796 OF 2022

Bira Pradhan & Another

..... Petitioners
Mr. Pradipta Beura, Advocate

-versus-

State of Odisha

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

CORAM:
JUSTICE V. NARASINGH

ORDER
17.05.2022

Order No.

01.

1. This matter is taken up through Hybrid Mode.
2. Heard Mr. J.Behera, learned counsel for the petitioners and Mr. K.K. Gaya, learned Additional Standing Counsel for the State.
3. This Court is not inclined to entertain the ABLAPL in respect of Petitioner No.1-Bira Pradhan.
4. This is an application under Section-438 Cr.P.C for anticipatory bail.
5. So far as the Petitioner No.2- Kailash Pradhan is concerned, taking into consideration the facts and submissions, this ABLAPL is disposed of with the observation that the petitioner no.-2 Kailash Pradhan, if so advised, may surrender

before the learned S.D.J.M., Athagarh, in connection with C.T. Case No. 21 of 2022 arising out of Gurudijhatia P. S. Case No. 03 of 2022 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., Athagarh 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., Athagarh, the petitioner no.2 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 no.2 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 petitioner no.2, and learned S.D.J.M., Athagarh 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 no.2 at the time of consideration of the bail application.

10. While considering the bail application of the petitioner no.2-Kailash Pradhan, the learned Court below shall take in to account the nature of injury.

12. The ABLAPL is disposed of accordingly.

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

Balaram

*(V.Narasingsh)
Judge*

