

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3847 of 2022

Tuna Swain and others

.... ***Petitioners***
Mr.S.R.Jena,Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr.M.K.Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

20.09.2022

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. The Petitioners are apprehending their arrest for the alleged commission of offence under Sections 323, 341, 324, 379/34 of the Indian Penal Code read with Section 25 of the Arms Act in G.R.Case No.577 of 2022 arising out of Penthakata Marine P.S.Case No.26 of 2022 of the Court of the learned S.D.J.M., Puri.
 3. It is submitted by the learned counsel for the Petitioners that co-accused person who stands on similar footing like the Petitioner has been released on bail by the learned court below.
 4. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioners.
 5. However, on the submission of the learned counsel, the Petitioners are given liberty to surrender before the learned S.D.J.M.,

Puri in the aforesaid case in the first hour within 21 working days hence and move for bail. On such event, the learned Magistrate shall consider their application for bail in the first hour strictly on the basis of the materials on record. In case of rejection of the bail application, the Petitioners may move for bail before the higher forum in the second hour. On such event, the higher forum shall consider and dispose of the bail application of the Petitioners on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

6. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the Petitioners, if applied for.

7. The ABLAPL is accordingly disposed of.

8. Issue urgent certified copy of the order as per Rules.

