

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3939 of 2022

Kamal Lochan Randhari

....

Petitioner

Prasanta Kumar Jena, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Sitikant Mishra, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

14.10.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. Earlier the present Petitioner had approached this Court for bail vide ABLAPL No.8682 of 2021. However, he was permitted to withdraw the same vide the order dated 30.10.2021. Now the present bail application has been filed by the Petitioner under Section 438, Cr.P.C. for anticipatory bail, involving offences punishable under Sections 342/323/306/34, I.P.C.
4. Learned counsel for the Petitioner submits that some of the co-accused persons similarly situated with the present Petitioner have been released on bail by this Court in ABLAPL No.8681 of 2022 and all others by the learned court below.

5. Considering the seriousness of the allegation, gravity of the offence and the facts of the case, though I am not inclined to grant anticipatory bail to the Petitioner, however the Petitioner is given liberty to surrender before the learned J.M.F.C., Boriguma in G.R. Case No.171 of 2021 corresponding to Boriguma P.S. Case No.87 of 2021 in the first hour within 21 working days hence and move for bail. In such event, the learned Magistrate shall consider the bail application of the Petitioner in the first hour of the day, strictly on the basis of the materials available on record. In case of rejection of the bail application by the learned Magistrate, the Petitioner may move for bail before the higher forum in the second hour of the same day. In that event, the higher forum shall consider and dispose of the bail application of the Petitioner on the same day on merit, strictly on the basis of the materials available on record. Case Diary be made available to the learned courts below as soon as possible to facilitate in disposing of the bail application of the Petitioner on the same day itself.

6. Ground of parity, if canvassed by learned counsel for the Petitioner, may be taken into consideration by the learned courts below as per law, while dealing with the bail application of the Petitioner on merit.

7. The ABLAPL is disposed of accordingly.

8. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge