

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 3956 of 2022

Panchanan Behera & another

Petitioners

Mr. J.Sahoo, Advocate

-versus-

State of Odisha

Opposite Party

Mr. D.Mund, AGA

CORAM: JUSTICE V. NARASINGH

ORDER
18.05.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioners are seeking pre-arrest bail in connection with G.R. Case No. 514 of 2022 arising out of Khurda Model P.S. Case No. 161 of 2022 pending in the Court of learned SDJM, Khurda for commission of offence punishable under Sections 379/120-B/34 of the I.P.C. and Section 51 of the Orissa Mines and Minerals Concession Rules, 2004.
4. On a conspectus of materials on record, ABLAPL is disposed of with the observation that the petitioners, if so advised, may surrender before the learned SDJM, Khurda in the above noted case within 15 days (Fifteen) days from today.

5. In the event of their surrender and motion for bail, the application for bail shall be considered by the learned SDJM, Khurda on merits in accordance with law, in the first hour of the day. In the event of rejection of the prayer for bail by learned SDJM, Khurda, the petitioners are at liberty to move the higher forum for bail in the second hour on the same day.

6. On being so moved, the higher forum shall dispose of the bail application of the petitioners on the same day on merit in accordance with law. The Case Diary be made available to the concerned courts to facilitate disposal of the bail application of the petitioners, and learned SDJM, Khurda 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.

7. Ground of parity, if any, may be considered by the learned Court below on same being canvassed by learned counsel for the petitioners at the time of consideration of the bail application.

8. Accordingly, the ABLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Dhal