

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL No.4278 of 2022**

***Sridhar Behera***

.... ***Petitioner***  
***Mr.A.S.Paul, Advocate***

**-versus-**

***State of Odisha***

.... ***Opp. Party***  
***Mr.S.Patra, A.S.C..***

**CORAM:**

**JUSTICE A.K. MOHAPATRA**

**ORDER**

**30.08.2022**

**Order No.**

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for both the parties and perused the records.
3. The Petitioners are apprehending their arrest for the alleged commission of offence under Sections 365/397 of the Indian Penal Code in C.T.Case No.1876 of 2021 arising out of Tomando P.S. Case No.66 of 2021 of the Court of the learned S.D.J.M., Bhubaneswar.
4. It is submitted by the learned counsel for the Petitioners that the present dispute has been resolved amicably amongst the parties with the intervention of well wishers of both the sides and local gentries. He also submits that considering the aforesaid facts, learned Additional Sessions Judge, Bhubaneswar has granted bail to the principal accused Suresh Bhola vide order dated 13.08.2021. It is also submitted by the learned counsel for the Petitioners that the

Petitioners have been falsely implicated in this case and they do not have any criminal antecedents.

5. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioners.

6. However, on the submission of the learned counsel, the Petitioners are given liberty to surrender before the learned S.D.J.M., Bhubaneswar 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.

7. 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.

8. The ABLAPL is accordingly disposed of.

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

**( A.K. Mohapatra )**  
**Judge**