

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 4338 OF 2022

Bikash Patra & others

..... Petitioners
Mr. S.Dwibedi, Advocate

-versus-

State of Odisha

..... Opposite Party
Ms. S.Mishra,ASC

CORAM:

JUSTICE V. NARASINGH

ORDER
19.05.2022

Order No.

01.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the parties.
3. The petitioners are seeking pre-arrest bail in connection with Tangi P.S. Case No. 58 of 2022 corresponding to G.R. Case No. 669 of 2022, pending on the file of the learned JMFC(Rural), Cuttack for commission of offence under Sections 450/ 326/ 307/ 294/506/427/34 of the I.P.C. and Section 9 (B) of the Indian Explosive Act.
4. Learned counsel for the petitioners does not want to press this application for anticipatory bail, so far as Petitioner Nos.1 and 2 are concerned.
5. Accordingly, the anticipatory bail application in respect Petitioner No.1- Bikash Patra and Petitioner No. 2-Rajat Kumar Das @ Rajat Das is dismissed as not pressed.

6. So far petitioner No.3 is concerned, on a conspectus of materials on record, ABLAPL is disposed of with the observation that the petitioner, if so advised, may surrender before the learned JMFC (Rural), Cuttack in the above noted case within 15 days (Fifteen) days from today.

7. In the event of his surrender and motion for bail, the application for bail shall be considered by the learned JMFC (Rural), Cuttack 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 JMFC (Rural), Cuttack, the petitioner is at liberty to move the higher forum for bail in the second hour on the same day.

8. On being so moved, the higher forum shall dispose of the bail application of the petitioner 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 petitioner, and learned JMFC(Rural), Cuttack 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 Court below on same being canvassed by learned counsel for the petitioner at the time of consideration of the bail application.

10. Accordingly, the ABLAPL stands disposed of.

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

(*V.Narasingh*)
Judge

Dhal