

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.689 of 2022

Mr. Rajesh Kumar @ Rajesh Gahlot ***Petitioner***
Mr. Subir Palit, Advocate

-versus-

State of Odisha and another ***Opposite Parties***
Mr.K.K. Nayak, ASC for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
27.04.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. The present petition under Section 227 of the Constitution of India has been filed by the Petitioner challenging the initiation and continuance of proceeding vide EOW P.S. Case No.14 of 2021, which has been registered against the Petitioner under Section 419/420/467/468/471/120-B of I.P.C., corresponding to C.T. Case No.6000 of 2021, pending in the court of learned S.D.J.M., Bhubaneswar.
3. Heard learned counsel for the Petitioner and learned counsel for the State. Perused the materials.
4. Learned counsel for the Petitioner fairly submits that since the co-accused person has already been released on bail subject to deposit of certain amount, his case may be considered for bail.

5. Considering the submissions made and keeping in view the facts and circumstances of the case, this Court is not inclined to interfere in the matter. However, this Court directs the Petitioner to deposit a sum of Rs.4,00,000/- (Rupees Four laksh) in shape of Fixed Deposit in the name of Registrar of the concerned court till conclusion of the trial. Subject to such deposit, this Court grants liberty to the Petitioner to surrender before the learned S.D.J.M., Bhubaneswar in the aforesaid case in the first hour within 21 (twenty one) working days hence and move for bail. In such event, learned Magistrate shall consider the application for bail in the first hour strictly on the basis of the materials available on record. In case of rejection of the bail application, the Petitioner may move for bail before the Higher Forum in the second hour. In such event, the Higher Forum shall consider and dispose of the bail application of the Petitioner 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 court. Records be transmitted to the Higher Forum at the cost of the Petitioners, if applied for.
7. CRLMP stands disposed of.
8. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge