

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 4709 of 2022

Mahammad Siraj & others ***Petitioners***

Mr. M.K.Mallick, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. A.N.Das, AGA

CORAM: JUSTICE V. NARASINGH

ORDER
24.05.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. The petitioners are seeking pre-arrest bail in connection with G.R. Case No. 395 of 2021 arising out of Jatni P.S. Case No. 378 of 2021 pending in the Court of learned JMFC, Jatni for commission of offence punishable under Sections 452/ 323/ 364/ 506/34 of the I.P.C. and Section 25(1-B)(a) of the Arms Act.
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 JMFC, Jatni 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 JMFC, Jatni 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, Jatni, 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 JMFC, Jatni 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
(Vacation Judge)

Dhal