

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

**ABLAPL No.4912 of 2022**

***Baishnab Moharana@ Babu Moharana.....*** ***Petitioner***  
Mr. S.K. Sahu, Advocate

***-versus-***

***State of Odisha*** ..... ***Opposite Party***  
Mr. J. Patra, ASC

**CORAM:**  
**JUSTICE V. NARASINGH**

**ORDER**  
**27.05.2022**

**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. This is an application under Section-438 Cr.P.C for anticipatory bail.
4. Taking into consideration the facts and submissions, this ABLAPL is disposed of with the observation that the petitioner, if so advised, may surrender before the learned J.M.F.C., Banarpal in connection with G.R. Case No.380 of 2022 arising out of NALCO Township P. S. Case No.95 of 2022 within three weeks from today.

5. In the event of his surrender and motion for bail, the application for bail shall be considered by the learned J.M.F.C., Banarpal on merit in accordance with law, in the first hour of the day.

6. In the event of rejection of the prayer for bail by the J.M.F.C., Banarpal, the petitioner is at liberty to move the higher forum for bail in the second hour on the same day. On being so moved, the higher forum shall do well to dispose of the bail application of the petitioner on the same day on merit in accordance with law.

7. The Case Diary be made available to the concerned Courts to facilitate disposal of the bail application of the petitioner, and learned J.M.F.C., Banarpal 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.

8. Ground of parity, if any, may be considered by the learned Courts below on same being urged by learned counsel for the petitioner at the time of consideration of the bail application.

9. The ABLAPL is disposed of accordingly.

10. Urgent certified copy of this order be granted as per rule.

***V.Narasingh***  
***(Vacation Judge)***