

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.5599 OF 2020

Setalata Swain & Another

.... ***Petitioners***
Mr.D.K. Sahoo, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. S.K. Nayak, AGA

CORAM:
MR. JUSTICE D.DASH

ORDER
17.03.2022

Order No.

- 03.
1. This matter is taken up through hybrid arrangement (physical/ virtual) mode.
 2. The Petitioners having been implicated in Marsaghai P.S. Case No.300 of 2019 corresponding to G.R. Case No.1884 of 2019 registered for alleged commission of offence under Section-302/34, I.P.C. pending on the file of learned S.D.J.M., Kendrapara, have filed this application under Section-438 of the Cr.P.C. for their release on bail in the event of their arrest in the above case.
 3. Considering the submissions and viewing the materials on record as also other surrounding circumstances, while being not inclined to grant of anticipatory bail to the Petitioners, this application is disposed of with the observation that in the event the Petitioners surrender before the Court in seisin of the aforesaid case and move for their release on bail, the same shall be considered on its own merit; further taking into account the

factum of release of co-accused person(s) on bail, if similarly situated with the Petitioner on the ground parity, as per law and disposed of early in accordance with law so as to enable the Petitioners to approach the next higher forum early in case necessity so arises.

The case record be made available at the cost of the Petitioners.

4. The ABLAPL is accordingly disposed of.

Interim order passed on 29.05.2020 does no more survive.

Issue urgent certified copy as per rules.

**(D .Dash),
Judge.**

Narayan

