

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

**ABLAPL No.3144 of 2021**

***Kuna @ Arun Kumar Jena***

....

***Petitioner***

Mr. P.K. Mishra, Advocate

*-versus-*

***State of Odisha***

....

***Opposite Party***

Mr. S.K. Nayak, AGA

**CORAM:**

**MR. JUSTICE D.DASH**

**ORDER**

**12.07.2022**

**Order No.**

- 04.
1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
  2. The Petitioner having been implicated in connection with Rajnagar P.S.Case No.34 of 2021 corresponding to G.R. No.47 of 2021 on the file of the learned J.M.F.C., Rajnagar for alleged commission of offence under sections 363/364/109/34, I.P.C. has filed this application under section 438 of Cr.P.C. for grant of bail in the event of his arrest in the said case.
  3. Heard learned counsel for the Petitioner and learned counsel for the State.
  4. Considering the submissions made and on going through the materials as placed as also taking into account the surrounding circumstances, while being not inclined to consider the prayer for grant of anticipatory bail to the Petitioner; this application stands disposed of with an

observation that in the event the Petitioner surrenders before the court in seisin of the case and moves for his 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 and if similarly situated with the Petitioner on the ground of parity and disposed of in accordance with law without being influenced by this order during the first half of the day so as to enable the Petitioner in case necessity so arises, to approach the next higher forum in the second hour for its disposal in course of the day unless there stands any legal impediment.

4. The case records be transmitted at the cost of the Petitioner.

5. The ABLAPL is accordingly disposed of. The interim order dated 25.03.2021 passed in ABLAPL No.3144 of 2021 does no more survive.

6. Issue urgent certified copy as per rules.

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