

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 5258 of 2022

Debashish Naik

....

Petitioner

Mr. A.K.Das(1), Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A.K.Beura, ASC

CORAM:

JUSTICE V.NARASINGH

ORDER

7.06.2022

Order No.

- 01.
1. This matter is taken up through hybrid mode.
 2. Heard learned counsel for the parties.
 3. The petitioner is seeking pre-arrest bail in connection with G.R. Case No. 970 of 2021 arising out of Kantabania P.S. Case No. 90 of 2021 pending in the Court of learned SDJM, Dhenkanal for commission of offence punishable under Section 394 of the I.P.C.
 4. On a conspectus of materials on record, ABLAPL is disposed of with the observation that the petitioner, if so advised, may surrender before the learned SDJM, Dhenkanal in the above noted case within 15 days (Fifteen) days from today.
 5. In the event of his surrender and motion for bail, the application for bail shall be considered by the learned SDJM, Dhenkanal 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 SDJM, Dhenkanal, the petitioner is 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 petitioner 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 petitioner, and learned SDJM, Dhenkanal 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 petitioner 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.

Dhal

V.Narasingh
(Vacation Judge)