

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 5315 of 2022

Belalsen Swain

....

Petitioner

Mr. S.K.Samantaray, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K.Mohanty, 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.413 of 2021 arising out of Kabisuryanagar P.S. Case No. 427 of 2021 pending in the Court of learned JMFC, Kabisuryanagar for commission of offence punishable under Sections 452/294/323/324/307/506/34 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 JMFC, Kabisuryanagar 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 JMFC,

Kabisuryanagar 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, Kabisuryanagar 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 JMFC, Kabisuryanagar 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)