

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 5344 of 2022

***Mohan Chandra Mohanta and
another***

Petitioners

Mr. D. Mishra, Advocate

-versus-

State of Odisha

Opposite Party

Mr. A.P. Das, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
07.06.2022**

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. The petitioners are seeking pre-arrest bail in connection with G.R. Case No.257 of 2022, arising out of Barbil P.S. Case No.72 of 2022 pending in the Court of learned J.M.F.C., Barbil for commission of offence punishable under Sections 147/148/341/323/324/307/294/149/506 of the IPC.
4. The bail application so far as Petitioner No.1 is concerned is disposed of as withdrawn, since he has been taken into custody.

5. It is stated at the bar that other co-accused persons in the meanwhile being released on bail by the learned Court in seisin of the matter.

6. On a conspectus of materials on record, ABLAPL is disposed of with the observation that the Petitioner No.2, if so advised, may surrender before the learned J.M.F.C., Barbil, in connection with G.R. Case No.257 of 2022, arising out of Barbil P.S. Case No.72 of 2022 within 15 days (Fifteen) days from today.

7. In the event of his surrender and motion for bail, the application for bail shall be considered by the learned J.M.F.C., Barbil 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 J.M.F.C., Barbil, the Petitioner No.2 is at liberty to move the higher forum for bail in the second hour on the same day.

8. On being so moved, the higher forum shall dispose of the bail application of the Petitioner No.2 on the same day on merit in accordance with law. In that event, the Case Diary be made available to the concerned courts to facilitate disposal of the bail application of the Petitioner No.2, and learned J.M.F.C., Barbil 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.

9. Ground of parity, if any, may be considered by the learned Court below on same being canvassed by learned

counsel for the Petitioner No.2 at the time of consideration of the bail application.

10. Accordingly, the ABLAPL stands disposed of.

11. Urgent certified copy of this order be granted as per rules.

Santoshi

