

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.5870 of 2022

Bhima Nayak @ Susanta Bhoi and Petitioners
another

Mr. G.R. Mohanty, Advocate

-versus-

State of Odisha

.... Opp. Party

Mr. S. Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

02.09.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.

3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.

4. The petitioners are seeking pre-arrest bail in connection with C.T. Case No.394 of 2018, arising out of Mancheswar P.S. Case No.51 of 2018 pending in the court of learned S.D.J.M., Bhubaneswar for commission of offence punishable under Sections 307/294/506/324/34, I.P.C. read with Sections 25 and 27 of the Arms Act and Section 9(b) of I.E. Act.

5. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the petitioners.

6. However, on the submission of the learned counsel, the petitioners are given liberty to surrender before the learned S.D.J.M.,

Bhubaneswar in the aforesaid case in the first hour within 21 working days hence and move for bail. On such event, the learned Magistrate shall consider their application for bail in the first hour strictly on the basis of the materials on record. In case of rejection of the bail application, the petitioners may move for bail before the higher forum in the second hour. On such event, the higher forum shall consider and dispose of the bail application of the petitioners on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

7. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the petitioners, if applied for.

8. The ABLAPL is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

