

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6214 of 2021

Md. Jabedali Mansoori @ Md. Javed & Others ***Petitioners***

Aditi Hota, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. S.K. Nayak, AGA

**CORAM:
MR. JUSTICE D.DASH**

**ORDER
14.07.2022**

Order No.

03. 1. This matter is taken up through hybrid arrangement.
2. The Petitioners having been implicated in connection with Colliery P.S.Case No.150 of 2021 corresponding to G.R. Case No.681 of 2021 on the file of the learned S.D.J.M., Talcher for alleged commission of offence under sections 120(B)/379/411/413/467/468/471, I.P.C. and section 12 of Odisha Mines and Minerals (Prevention of Theft Smuggling Activities) Act, 1989/ section 21 of the Mines & Minerals (Development & Regulation) Act, 1957 have filed this application under section 438 of Cr.P.C. for grant of bail in the event of their arrest in the said case.
3. Heard learned counsel for the Petitioners 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 Petitioners; this application stands disposed of with an observation that in the event the Petitioners surrender before the court in seisin of the case and move for their 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 Petitioners 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 Petitioners 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 Petitioners.

5. The ABLAPL is accordingly disposed of. The interim order dated 31.05.2021 passed in ABLAPL No.6214 of 2021 does no more survive.

6. Issue urgent certified copy as per rules.

(D. Dash)
Judge