

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7039 of 2020

Ashok Benia

.... ***Petitioner***
Mr.J.K. Panda, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. D.R. Parida, ASC

CORAM:
MR. JUSTICE D.DASH

ORDER
31.03.2022

Order No.

- 04.
1. This matter is taken up through hybrid arrangement (virtual/physical mode).
 2. The Petitioner having been implicated in connection with Chitrakonda P.S. Case No.157 of 2019 corresponding to G.R. No.845 of 2019 pending in the court of the learned S.D.J.M., Malkangiri for alleged commission of offence under sections 302, I.P.C has filed this application under section 438 of Cr.P.C. for grant of bail in the event of his arrest in the said case.
 3. Heard learned counsel for the Petitioner 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 grant of anticipatory bail to the Petitioner, this application stands disposed of with the observation that in the event the Petitioner surrenders before the court in seisin of the aforesaid case and

moves for his 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, if similarly situated with the Petitioner on the ground of parity, as per law and disposed of early in accordance with law so as to enable the Petitioner to approach the next higher forum early in case necessity so arises. The case record be made available at the cost of the Petitioner.

5. The ABLAPL is accordingly dismissed.
6. Issue urgent certified copy as per rules.



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