

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6626 of 2022

Sudam Prasad Yadab

Petitioner

....
Mr.A.K.Dash, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr.P.C.Das,A.S.C.

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
29.09.2022**

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. On perusal of the record, it appears that the Petitioner approached this Court earlier in ABLAPL 11058 of 2021. A coordinate Bench of this Court after hearing the learned counsel for the Petitioner, is not inclined to grant bail to the Petitioner. Accordingly, the bail application was rejected. The present bail application is a successive bail application filed by the Petitioner on self same facts.
3. The Petitioner is apprehending his arrest for the alleged commission of offence under Sections 341, 323, 294, 379, 506, 353, 427/34 of the Indian Penal Code in G.R.Case No.392 of 2021 arising out of Charmal P.S.Case No.115 of 2022 of the Court of the learned S.D.J.M., Rairakhol.
4. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioner.

5. However, on the submission of the learned counsel, the Petitioner is given liberty to surrender before the learned S.D.J.M., Rairakhol 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 his 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 Petitioner 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 Petitioner on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.
6. 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.
7. The ABLAPL is accordingly disposed of.
8. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge