

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6937 of 2022

Sesadev Tarai @ Pabitra & Others* *Petitioners

Mr. S.C. Mohapatra, Sr. Advocate

-versus-

State of Odisha

.... Opposite Party

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

18.07.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
3. The Petitioners are apprehending arrest for the alleged commission of offence under Sections 452/323/324/307/506/34, I.P.C. in connection with Pipili P.S. Case No.74 of 2020 corresponding to G.R. Case No.104 of 2020 pending in the court of learned J.M.F.C., Pipili.
4. Learned counsel for the Petitioners submits that, initially the case was registered under Section 307, I.P.C. But subsequently it turned to one under Section 302, I.P.C. He further submits that some of the co-accused persons have already been released on bail in the meantime.
5. However, considering the nature of allegations in the F.I.R., gravity of the offence and the facts of the case, I am not inclined to

grant anticipatory bail to the Petitioners. It is open for the Petitioners to surrender before the trial court and apply for regular bail.

6. Accordingly, the Petitioners are given liberty to surrender before the learned J.M.F.C., Pipili in the aforesaid case in the first hour within 21 working days hence and move for bail. In such event, the learned Magistrate shall consider the bail application of the Petitioners in the first hour of the day, strictly on the basis of the materials on record. In case of rejection of the bail application by the learned Magistrate, the Petitioners may move for bail before the higher forum in the second hour of the same day. In that event, the higher forum shall consider and dispose of the bail application of the Petitioners on the same day on merit, strictly on the basis of the materials available on record.

7. Ground of parity, if canvassed by learned counsel for the Petitioners, may be taken into consideration by the learned courts below, while dealing with the bail application of the present Petitioners on merit.

8. The Case Diary be made available to the concerned courts as quick as possible in order to dispose of the bail application of the Petitioners on the same day, and the case records be transmitted to the higher forum at the cost of the Petitioners, if applied for.

9. The ABLAPL is disposed of accordingly.

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

(A.K. Mohapatra)
Judge