

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7090 of 2022

Kanhu @ Kanu Charan Nayak @ Petitioner
Nayak Kanu Charan

Mr. Kuldeep Mohanty, Advocate
-versus-

State of Odisha Opp. Party
Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
02.08.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioner and learned counsel for the State.
 3. The petitioner is apprehending arrest for the alleged commission of offence under Sections 294/323/506/406/420/34, I.P.C. in C.T. Case No.51 of 2022 of the court of the learned J.M.F.C.(R), Balasore, arising out of Khantapada P.S. Case No.18 of 2022.
 4. It is submitted by learned counsel for the petitioner that so far as the present petitioner is concerned, no case under Sections 406 and 420, I.P.C. is not made out against the petitioner. Further, learned counsel for the petitioner submits that the main allegation is against one Satrugna Nayak, who was the father of the present petitioner and the present petitioner is involved in the present case that he has abused the informant in filthy languages. It is also submitted learned

counsel for the petitioner that father of the petitioner, who has been arrested and released on bail.

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 petitioner is given liberty to surrender before the learned J.M.F.C.(R), Balasore 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.

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

8. The ABLAPL is accordingly disposed of.

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

(A.K. Mohapatra)
Judge