

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7104 of 2022

Bidyadhar Melli & Others

....

Petitioners

Mr. Sarat Kumar Jena, Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

05.08.2022

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. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offences punishable under Sections 341/436/294/323/324/307/34, I.P.C.
4. Considering the nature of allegation, gravity of the offence and the facts of the case, although I am not inclined to grant anticipatory bail to the Petitioners, however the Petitioners are given liberty to surrender before the learned S.D.J.M., Bargarh in C.T. Case No.663 of 2022 corresponding to Bargarh Town P.S. Case No.297 of 2022 on 29th August, 2022 in the first hour and may 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 available 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.

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

6. Till 29th August, 2022, the Petitioners shall not be arrested in connection with the aforesaid Bargarh Town P.S. Case No.297 of 2022.

7. The ABLAPL is disposed of accordingly.

8. Urgent certified copy of this order be granted to the Petitioners in course of the day as per rules.

(A.K. Mohapatra)
Judge