

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7228 of 2022

Arun Benya

.... ***Petitioner***
Mr. A. Mishra, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

16.08.2022

Order No.

- 03.
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 364/323/325/307, I.P.C. read with Sections 25 and 27 of the Arms of the court of the learned S.D.J.M., Jeypore.
 4. It is submitted learned counsel for the petitioner that the petitioner has been falsely implicated in the present case on the basis of the statement of the principal accused, who has already been released on bail by the learned court below. It is further submitted by leaned counsel for the petitioner that the principal accused, namely, Tusar Garada has already been released on regular bail. It is also submitted that on similar footing with the present petitioner, other co-accused persons have already been released on bail by this Court.
 5. Considering the facts of the case, this Court is not inclined to

grant anticipatory bail to the petitioner.

6. However, on the submission of the learned counsel, the petitioner is given liberty to surrender before the learned S.D.J.M., Jeypore 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