

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL No.7263 of 2022**

***Akshaya Kumar Udayasingh @  
Akhi Parida & Others***

....

***Petitioners***

*Mr. Suryakant Dwibedi, Advocate*

***-versus-***

***State of Odisha***

....

***Opposite Party***

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

**CORAM:**

**JUSTICE A.K.MOHAPATRA**

**ORDER**

**19.07.2022**

**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.
4. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offences punishable under Sections 379/411/420/120-B/34, I.P.C. read with Section 7 of the Essential Commodities Act.
5. Considering the nature of allegation, gravity of the offence and the facts of the case, I am not inclined to grant anticipatory bail to the Petitioners. However, it is observed that, in the event the Petitioner Nos.1 and 2 surrender before the learned J.M.F.C., Ranpur in G.R. Case No.202 of 2022 corresponding to Chandpur P.S. Case No.71 of 2022 within a period of three weeks from today, both the

Petitioners 1 & 2 namely Akshaya Kumar Udayasingh @ Akhi Parida and Shiba Sundar Jena @ Nila shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper.

6. So far as Petitioner No.3 Prasanna Senapati @ Paria Senapati is concerned, he is given liberty to surrender before the learned J.M.F.C., Ranpur 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 Petitioner 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 Petitioner 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 Petitioner 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 as per law, while dealing with the bail application of the Petitioner on merit.

8. The Case Diary be made available to the concerned courts as quick as possible in order to facilitate in disposing of the bail application of the Petitioner on the same day, and the case records be transmitted to the higher forum at the cost of the Petitioner, 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**

*S.K.Parida*

