

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7338 of 2022

Sanjaya Kumar Mohanty & Others ***Petitioners***
Mr. Susanta Kumar Baral, Advocate
-versus-
State of Odisha ***Opposite Party***
Mr. S. Mishra, 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.
3. The Petitioners are apprehending arrest for the alleged commission of offence under Sections 272/273/34, I.P.C. and Section 52-a of Orissa Excise Act, in connection with Khuntuni P.S. Case No.117 of 2022 corresponding to C.T. Case No.295 of 2022 pending in the court of learned S.D.J.M., Athgarh.
4. 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.
5. However, on the submission of learned counsel, the Petitioners are given liberty to surrender before the learned S.D.J.M., Athagarh 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.

6. 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 Petitioners on the same day, and the case records be transmitted to the higher forum at the cost of the Petitioners, if applied for.

7. The ABLAPL is disposed of accordingly.

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

(A.K. Mohapatra)
Judge