

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7473 of 2022

Gobinda Nayak

....

Petitioner

Mr. Deepak Ku Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K. Mohanty, A.S.C.

Mr. Gagan Bihari Singh, Adv. for Informant

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

11.10.2022

Order No.

04. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner, learned Addl. Standing Counsel for the State and learned counsel for the Informant.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 498-A/302/304-B/34, I.P.C. and Section 4 of D.P. Act.
4. It is submitted by learned counsel for the Petitioner that the in-law family members of the deceased, who are similarly situated with the present Petitioner, have already been released on bail in the meantime. He further submits that the matter has been amicably settled between the Petitioner and the Informant. Learned counsel appearing for the Informant also supports such contention of the Petitioner.
5. Considering such submission, seriousness of the allegation, gravity of the offence and the facts of the case, I am not inclined to

grant anticipatory bail to the Petitioner. However, the Petitioner is given liberty to surrender before the learned S.D.J.M., Kendrapara in G.R. Case No.1209 of 2022 corresponding to Kendrapara Sadar P.S. Case No.254 of 2022 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 available 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. Case Diary be made available to the learned courts below as soon as possible to facilitate in disposing of the bail application of the Petitioner on the same day itself.

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

7. It is open for the learned court below to give an opportunity of hearing to the Informant in the event the Informant appears before the learned court below in the matter.

8. The ABLAPL is disposed of accordingly.

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

(A.K. Mohapatra)
Judge