

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7512 of 2022

Mirza Rajab Ali Baig and others ***Petitioners***
Mr.Sambeet Pattnayak, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr.M.K.Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

22.09.2022

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. The Petitioner No.1 is apprehending his arrest for the alleged commission of offence under Section 448, 341, 323, 354, 506, 365/34 of the Indian Penal Code in G.R.Case No.612 of 2022 arising out of Kakatpur P.S.Case No.127 of 2022 of the Court of the learned J.M.F.C., Nimapara.
 3. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioner No.1.
 4. However, on the submission of the learned counsel, the Petitioner No.1 is given liberty to surrender before the learned J.M.F.C., Nimapara 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 No.1 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 No.1 on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

5. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the Petitioner No.1, if applied for.

6. Considering the nature of allegation, gravity of offence and the facts of the case, I am not inclined to grant anticipatory bail to the petitioner Nos.2 and 3. However, it is directed that in the event the petitioner Nos.2 and 3 surrender before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, they shall be released on bail on such terms and conditions as would be deemed just and proper. It is open for the court in seisin over the matter to impose other conditions as may be deemed just and proper.

7. The ABLAPL is accordingly disposed of.

8. Issue urgent certified copy of the order as per Rules.

(A.K. Mohapatra)
Judge