

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7670 of 2022

Kamal Behera

....

Petitioner

Mr. Debasis Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S. Patra, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

21.07.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. The Petitioner is apprehending arrest for the alleged commission of offence under Sections 341/322/427/353/225/506/34, I.P.C., in connection with Harichandanpur P.S. Case No.92 of 2022 corresponding to G.R. Case No.887 of 2022 pending in the court of learned S.D.J.M., Keonjhar.
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 Petitioner.
5. However, on the submission of learned counsel, the Petitioner is given liberty to surrender before the learned S.D.J.M., Keonjhar 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.

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. 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.

8. The ABLAPL is disposed of accordingly.

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

(A.K. Mohapatra)
Judge