

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7949 of 2022

***Paresh @ Satyabrata Nayak &
another***

.... ***Petitioners***

Mr. Manas Kumar Chand, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

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

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
22.07.2022**

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. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offences punishable under Sections 341/294/324/307/506/34, I.P.C.
4. 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 Petitioner No.2 – Subham Nayak surrenders before the learned J.M.F.C., Gondia in G.R. Case No.283 of 2022 corresponding to Gondia P.S. Case No.163 of 2022 within a period of three weeks from today, he shall be released on bail on such terms and conditions

as the learned Magistrate may deem just and proper in the facts and circumstances of the case.

5. So far as Petitioner No.1 – Paresh @ Satyabrata Nayak is concerned, he is given liberty to surrender before the learned J.M.F.C., Gondia in the aforesaid G.R. 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 Petitioner No.1 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, Petitioner No.1 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 No.1 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 Petitioners, may be taken into consideration by the learned courts below as per law, while dealing with the bail application of the Petitioner No.1 on merit.

7. The ABLAPL is disposed of accordingly.

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

(A.K. Mohapatra)
Judge