

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7982 of 2022

Tukuna Naik

....

Petitioner

Mr. Santosh Kumar Mahanty, Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

25.07.2022

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. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offences punishable under Sections 353/307/34, I.P.C. and Section 27 of Arms Act and Sections 3, 4 & 5 of Explosive Substance Act.
4. It is stated by learned counsel for the Petitioner that the principal accused of this case has already been released on bail.
5. In such view of the matter and considering the nature of allegation, gravity of the offence and the facts of the case, though I am not inclined to grant anticipatory bail to the Petitioner, however it is observed that the Petitioner is given liberty to surrender before the learned S.D.J.M., Bhanjanagar in G.R. Case No.807 of 2018

corresponding to Jagannath Prasad P.S. Case No.201 of 2018 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 ABLAPL is disposed of accordingly.

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

(A.K. Mohapatra)
Judge