

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.1296 of 2022

Prasanta Sahoo & Others ***Petitioners***
Mr. Debendra Kumar Sahoo, Advocate
-versus-
State of Odisha ***Opposite Party***
Mr. P.C. Das, A.S.C.

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

ORDER
11.08.2022

Order No.

02. **I.A. No.268 of 2022**

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. Order dated 08.07.2022 passed in CRLMP No.1296 of 2022 is hereby recalled and the following modified order is passed :-
4. This application has been filed by the Petitioner for quashing of the proceeding in connection with C.T. Case No.2235 of 2021 arising out of Kuakhia P.S. Case No.359 of 2021 pending in the court of learned S.D.J.M., Jajpur.
5. In course of hearing, learned counsel for the Petitioner submits that he does not want to press this application, but liberty may be granted to the Petitioner to surrender before the court in seisin over the matter for disposal of the bail application of the Petitioner.

6. Considering such submissions, seriousness of the allegation, gravity of the offence and the facts of the case, although 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., Jajpur in C.T. Case No.2235 of 2021 corresponding to Kuakhia P.S. Case No.359 of 2021 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.

7. 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.

8. The I.A. is accordingly allowed and disposed of.

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

(A.K. Mohapatra)
Judge