

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8058 of 2022

Puja Malik @ Mallik & another ***Petitioners***
Mr. Satyabrata Dash, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. Shashanka Patra, A.S.C.

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
26.07.2022

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 498-A/302/304-B/34, I.P.C. and Section 4 of the D.P. Act.
4. 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 Petitioners, however it is observed that the Petitioners are given liberty to surrender before the learned S.D.J.M., Jajpur in C.T. Case No.1478 of 2022 corresponding to Kuakhia P.S. Case No.208 of 2022 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 Petitioners 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 Petitioners 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 Petitioners 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 Petitioners 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

