

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL No.8110 of 2022**

***Santosh Kumar Sethi***

....

***Petitioner***

*Mr. Jayakrishna Mohapatra, Advocate*

*-versus-*

***State of Odisha***

....

***Opposite Party***

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

**CORAM:**

**JUSTICE A.K.MOHAPATRA**

**ORDER**

**19.09.2022**

**Order No.**

**04. I.A. No.1173 of 2022**

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. Learned counsel for the Petitioner submits that Petitioner No.3 has some more Criminal Antecedents in his name, which he could not submit before this Court on 26.07.2022 due to want of proper instruction from his client.
4. Keeping in view such submission, Order No.01 dated 26.07.2022 passed in ABLAPL No.8110 of 2022, in respect of Petitioner No.3 – Gayadhar Parihari @ Gai, is hereby recalled, and the following order is passed afresh in respect of Petitioner No.3 –
5. This is an application under Section 438, Cr.P.C. for anticipatory bail, involving offences punishable under Sections 379/411/34, I.P.C.

6. Considering the seriousness of the allegation, gravity of the offence and the facts of the case, though I am not inclined to grant anticipatory bail to Petitioner No.3, however Petitioner No.3 is given liberty to surrender before the learned J.M.F.C., Chandbali in G.R. Case No.502 of 2022 corresponding to Candbali P.S. Case No.199 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 Petitioner No.3 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, Petitioner No.3 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 Petitioner No.3 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 Petitioner No.3 on the same day itself.

7. Ground of parity, if canvassed by learned counsel for Petitioner No.3, may be taken into consideration by the learned courts below as per law, while dealing with the bail application of the Petitioner No.3 on merit.

8. The ABLAPL in respect of Petitioner No.3 is disposed of accordingly. The I.A. is also disposed of accordingly.

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

**(A.K. Mohapatra)**  
**Judge**