

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8258 of 2022

Sutanu Bhusan Swain & another ***Petitioners***
Mr. Badrinarayan Panda, Advocate
-versus-
State of Odisha ***Opposite Party***
Mr. P.C. Das, A.S.C.

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
04.08.2022

Order No.

12. **I.A. No.988 of 2022**

1. This matter is taken up through Hybrid Arrangement (Virtual / Physical Mode).
2. Heard learned counsels for the Parties.
3. Considering the submissions made by the learned counsel for the Petitioners, Order No.01 dated 27.07.2022 passed in ABLAPL No.8258 of 2022 is hereby recalled, and in its place the following order is passed.
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., Talcher in G.R. Case No.538 of 2022 corresponding to Colliery P.S. Case No.109 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.

5. 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.

6. The ABLAPL and the I.A. is disposed of accordingly.

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

(A.K. Mohapatra)
Judge

S.K.Parida