

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8397 of 2022

Sarat Kumar Raj & Others ***Petitioners***
Mr. Chittaranjan Pattnaik, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. P.K. Rout, A.G.A.
Mr. Dharmendra Sethi, Adv.(for Informant)

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
28.07.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners, learned Addl. Govt. Advocate for the State and Mr. Dharmendra Sethi, learned counsel appearing for the Informant.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offences punishable under Sections 341/294/323/324/307/506/34, I.P.C.
4. It is submitted by learned counsel for the Petitioners that the co-accused persons have been released on bail. In such view of the matter, the present Petitioners want to surrender before the learned court below.
5. Considering the nature of allegation, gravity of the offence and the facts of the case, although 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 J.M.F.C., (Rural), Balasore in C.T. Case No.512 of 2022 corresponding to Khantapada P.S. Case No.162 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 is disposed of accordingly.

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

(A.K. Mohapatra)
Judge