

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9037 of 2021

***Krushna Chandra Naik @ Asthima* *Petitioner*
@ Krushan Naik**

Mr.L.N. Rayatsingh, Advocate

-versus-

***State of Odisha* *Opposite Party*
Mr. S. Jena, ASC**

**CORAM:
MR. JUSTICE D.DASH**

**ORDER
09.11.2022**

Order No.

01. 1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. This is the successive journey of the petitioner, who is in custody in connection with Balimi P.S. Case No.11 of 2018 arising out of G.R. Case No.45 of 2018 pending in the Court of the learned S.D.J.M., Dhenkanal for offence punishable under sections 457/380, I.P.C. in filing the petition under section 438 of Cr.P.C. for his release on bail in the event of his arrest.
3. Heard learned counsel for the Petitioner and learned counsel for the State.
4. Considering the submissions made and on going through the materials on record as also the earlier order rejecting the prayer for grant of anticipatory bail to the Petitioner, while being not inclined to reconsider the prayer for grant of anticipatory bail to the Petitioner, this application stands disposed of with the observation that in the event the Petitioner surrenders before the court in seisin of the case

within a period of three weeks hence in connection with the aforesaid case and moves for his release on bail, the observation made in the earlier order dated 04.04.2019 passed in ABLAPL No.3633 of 2019 shall hold the field. In that event, the Court below shall also take into consideration all such subsequent developments which have taken place in the meantime including the factum of grant of bail to the co-accused persons in their proper prospective.

6. Issue urgent certified copy as per rules.



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