

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 8638 of 2022

Bibhuti Parida @ Lipa @ Bibhuti* *Petitioners
Bhusan Parida & others

Mr.Abhaya Kumar Parida, *Advocate*

-versus-

State of Odisha* *Opposite Party
Mr.Sitikanta Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

29.07.2022

Order No.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for both the parties and perused the records.
3. The Petitioners are apprehending their arrest for the alleged commission of offence under Sections 379/34 of the Indian Penal Code read with Section 51(1)(i) of the Orissa Minor Minerals Concession Rules, 2016 in G.R.Case No. 459 of 2022 arising out of Delanga PS.Case No.173 of 2022 of the Court of the learned J.M.F.C., Pipili.
5. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioners.
6. However, on the submission of the learned counsel, the Petitioners are given liberty to surrender before the learned J.M.F.C., Pipili in the aforesaid case in the first hour within 21 working days hence and move for bail. On such event, the learned Magistrate shall

consider their application for bail in the first hour strictly on the basis of the materials on record. In case of rejection of the bail application, the Petitioners may move for bail before the higher forum in the second hour. On such event, the higher forum shall consider and dispose of the bail application of the Petitioners on the same day strictly on the basis of the materials on record.

7. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the Petitioners, if applied for.

8. The ABLAPL is accordingly disposed of.

9. Issue urgent certified copy of the order as per Rules.

RKS

