

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8712 of 2022

***Hamideswar Nahak @ Rabi and
another*** ***Petitioners***

Mr. A. Tripathy, Advocate

-versus-

State of Odisha ***Opp. Party***
*Ms. J. Tripathy, S.C. Vigilance
Department*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

01.08.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. An oral prayer is being made by learned counsel for the petitioner to make necessary corrections in the cause-title of the bail application in Court today.
3. Heard learned counsel for the petitioners and learned counsel for the State.
4. The petitioners are apprehending arrest for the alleged commission of offence under Sections 294/323/324/325/341/307/452/354/506/34, I.P.C. read with Sections 25 and 27 of the Arms Act in G.R. Case No.09 of 2022 of the court of the learned J.M.F.C., Khandapada, arising out of Khandapada P.S. Case No.09 of 2022.
4. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the petitioners.
5. However, on the submission of the learned counsel, the

petitioners are given liberty to surrender before the learned J.M.F.C., Khandapada 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 his 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 by maintaining the principles of parity, if applicable.

6. 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.

7. The ABLAPL is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

(*A.K. Mohapatra*)
Judge