

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8779 of 2022

Ramakrushana Mohanty **Petitioner**
Mr. P.K. Rath, Advocate

-versus-

State of Odisha **Opp. Party**
Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

02.09.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
 2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
 3. This is an application under Section 438, Cr.P.C. filed by the petitioner for anticipatory bail.
 4. The petitioner is seeking pre-arrest bail in connection with G.R. Case No.517 of 2020, arising out of Kodala P.S. Case No.210 of 2020 pending in the court of learned J.M.F.C., Khallikote for commission of offence punishable under Sections 341/323/325/294/506/34/302, I.P.C.
 5. It is submitted by learned counsel for the petitioner that in the split up trial, three accused persons were acquitted and some of the accused persons so far as the petitioners is concerned, they have connected with the alleged crime and he has filed the present application for protection.
 6. Taking into consideration the nature of offence and non-

availability of the case diary, I am not inclined to exercise my discretion under Section 438, Cr.P.C. in favour of the petitioners.

7. However, it is observed that the petitioner, if so advised, may surrender before the learned court in seisin over the matter in the aforesaid case within three weeks from today. In the event the petitioner surrenders and motions for bail within the aforesaid period, learned court in seisin over the matter shall do well to dispose of the bail application of the petitioner on the same day on merit in accordance with law. The case diary be made available to the concerned court to facilitate disposal of the bail application of the petitioner.

8. With the aforesaid observation, the ABLAPL is disposed of.

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

Jagabandhu

