

IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL NO.8851 OF 2022

Srutiranjana Behera @ Santosh Behera ***Petitioner***

Mr. P.K. Dash, Advocate

-versus-

State of Odisha ***Opposite Party***
Ms. Samapika Mishra, ASC.

CORAM:
MR. JUSTICE D.DASH
ORDER
05.08.2022

Order No.

01. 1. The matter is taken up by hybrid arrangement (virtual/physical) mode.
2. This is the second journey of the Petitioner in filing this application under Section-438 of the Cr.P.C. for his grant of bail in the event of his arrest in connection with Athagarh P.S. Case No.174 of 2020 corresponding to C.T. Case No.324 of 2020 on the file of learned Additional Sessions Judge, Ahagarh for alleged commission of offence under Section-341/294/354/324/326/307/302/34 of the IPC, for his release on bail in the above mentioned case.
3. Learned Counsel for the Petitioner submits that the role of this Petitioner as alleged stands on much lesser a footing than role of other accused persons including those who have been granted bail and those who are facing the trial. He further submits that this Petitioner has not been attributed to have dealt blows resulting serious injuries. In this connection, he has placed depositions of the prosecution witnesses who have been examined in the trial. Citing all these as the changing circumstances; he urges for grant of anticipatory bail to the Petitioner.
4. Learned Counsel for the State opposes the move in view of the earlier rejection. She however does not deny the position that

when the occasion would so arise for consideration of the prayer for grant of regular bail; all those aspects would stand for consideration.

5. Considering the submissions made and on going through the materials as placed on record; this Application stands disposed of with the observation that in the event the Petitioner surrenders before the learned Court in seisin of the case within three weeks hence and moves for his release on bail, the same shall be considered on its own merit; further taking into account the factum of grant of bail to the co-accused persons and non-implication of this Petitioner in causing any serious such blow upon the injured person(s) and disposed of during the first hour so as to enable the Petitioner to approach the next higher forum during the course of the day, in case necessity so arises.

The case records be made available at the cost of the Petitioner.

5. The ABLAPL is accordingly disposed of.
Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**

Narayan