

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8966 of 2022

Pankaj Kumar Swain

....

Petitioner

Mr. Satya Ranjan Mulia, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

03.08.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offences punishable under Sections 379/411/413/120-b/34, I.P.C. and Section 21 of MMDR Act.
4. It is submitted by learned counsel for the Petitioner that one of the co-accused namely Situ @ Sambit Padhi has been arrested and released on bail by the court below. He further submits that the present Petitioner stands in the similar footing of the aforesaid co-accused.
5. In view of such submission, and considering the nature of allegation, gravity of the offence and the facts of the case, though I

am not inclined to grant anticipatory bail to the Petitioner, however the Petitioner is given liberty to surrender before the learned S.D.J.M., Khurda in G.R. Case No.1153 of 2022 corresponding to Khurda P.S. Case No.350 of 2022 in the first hour within 21 working days hence and move for bail. In such event, the learned Magistrate shall consider the bail application of the Petitioner in the first hour of the day, strictly on the basis of the materials on record. In case of rejection of the bail application by the learned Magistrate, the Petitioner may move for bail before the higher forum in the second hour of the same day. In that event, the higher forum shall consider and dispose of the bail application of the Petitioner on the same day on merit, strictly on the basis of the materials available on record.

6. Ground of parity, if canvassed by learned counsel for the Petitioner, may be taken into consideration by the learned courts below as per law, while dealing with the bail application of the Petitioner on merit.

7. The ABLAPL is disposed of accordingly.

8. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge