

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9083 of 2022

Manas Naik

....

Petitioner

Mr. B.B. Routray, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. P.K. Rout, A.G.A.

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 counsel for the State.
4. The petitioner is apprehending arrest for the alleged commission of offence under Sections 379/411/34, I.P.C. read with Section 12 of the Orissa Mines and Minerals (Prevention of Theft Smuggling Activities, 1989 and Section 21 of the Mines and Minerals Regulation and Development, 1957) in G.R. Case No.327 of 2022 of the court of the learned J.M.F.C., Chhendipada, arising out of Industrial NISHA P.S. Case No.69 of 2022.
4. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the petitioner.
5. However, on the submission of the learned counsel, the petitioner is given liberty to surrender before the learned J.M.F.C., Chhendipada 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 petitioner 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 petitioner 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 petitioner, 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

