

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9220 of 2022

Biswajit Das and another ***Petitioners***
Mr. B.S. Dasparida, Advocate
State of Odisha ***Opp. Party***
-versus- Mr. P.K. Rout, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
04.08.2022

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.
3. It is submitted by learned counsel for the petitioners submits that the petitioner no.1-Biswajit Das has already been arrested in the meantime. Therefore, the bail application of the petitioner no.1-Biswajit Das has become infructuous.
4. The petitioner no.2-Biswanath Das is apprehending arrest for the alleged commission of offence under Sections 294/307/323/341/353/189/379/427/34, I.P.C. in C.T. Case No.351 of 2022 of the court of the learned S.D.J.M., Nilagiri, arising out of Nilagiri P.S. Case No.226 of 2022.
5. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the petitioner.
6. However, on the submission of the learned counsel, the

petitioner is given liberty to surrender before the learned S.D.J.M., Nilagiri 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.

7. 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.

8. The ABLAPL is accordingly disposed of.

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

(*A.K. Mohapatra*)
Judge