

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9367 of 2022

Nila Behera and others

.... ***Petitioners***
Mr. S.K. Rout, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
25.08.2022

Order No.

I.A. No.1201 of 2022

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioners as well as learned counsel for the State.
 3. In view of the submissions made, the order dated 08.08.2022 is hereby recalled. Accordingly, the I.A. stands allowed.

(A.K. Mohapatra)
Judge

ABLAPL No.9367 of 2022

- 03.
4. Heard.
 5. The petitioners are apprehending arrest for the alleged commission of offence under Sections 341/323/294/354/307/506/34 in G.R. Case No.193 of 2022 of the court of the learned J.M.F.C.,

Chilika, arising out of Tangi P.S. Case No.242 of 2022.

6. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the petitioner.

7. It is submitted by learned counsel for the petitioners that principal accused in the case has already been arrested and released on bail.

8. However, on the submission of the learned counsel, the petitioners are given liberty to surrender before the learned J.M.F.C., Chilika 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 their 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 petitioners 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 petitioners on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

9. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the petitioners, if applied for.

10. The ABLAPL is accordingly disposed of.

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

(A.K. Mohapatra)
Judge