

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9824 of 2022

Pandaba Malik

....

Petitioner

Mr.Amulya Ratna Panda, Advocate

-versus-

State of Odisha

....

Opp. Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

13.09.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for both the parties and perused the records.
3. The Petitioner is apprehending his arrest for the alleged commission of offence under Sections 147, 148, 325, 354-B, 506, 302/149 of the Indian Penal Code in G.R.Case No.273 of 2022 arising out of Aul P.S. Case No.152 of 2022 of the Court of the learned J.M.F.C., Aul.
4. It is submitted by the learned counsel for the Petitioner that Petitioner had not participated in the crime and no specific role has been attributed to the Petitioner by any of the witnesses. Some of the co-accused persons who stand on similar footing like the Petitioner have been enlarged on bail. Learned Additional Standing Counsel on the other hand submits that the Petitioner has been named by some of

the witnesses.

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 J.M.F.C., Aul 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.

9. Issue urgent certified copy of the order as per Rules.

(A.K. Mohapatra)
Judge