

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10022 of 2022

Bhisma Sethy

....

Petitioner

Mr. A.R. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.C. Das, ASC

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
13.12.2022

Order No.

I.A. No.2449 of 2022

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioner as well as learned counsel for the State.
 3. Considering the submissions made, the order dated 23.08.2022 is hereby recalled.
 4. Accordingly, the I.A. is disposed of.

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5. Heard.
6. The petitioner is seeking pre-arrest bail in connection with Khajuripada P.S. Case No.71 of 2022, corresponding to C.T. Case No.373 of 2022, pending in the court of learned S.D.J.M., Phulbani for alleged commission of offences punishable under Sections 307/341/323/325/34 of the I.P.C.
7. Considering the facts of the case, this Court is not inclined to

grant pre-arrest bail to the petitioner.

8. However, on the submission of the learned counsel, the petitioner is given liberty to surrender before the learned S.D.J.M., Phulbani 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.

9. 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.

10. The ABLAPL is accordingly disposed of.

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

(A.K. Mohapatra)
Judge