

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10024 of 2022

Babula @ Bhaktahari Sethi and others ***Petitioners***

Mr. J.K. Khuntia, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

23.08.2022

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Learned counsel for the petitioners is permitted to make necessary correction in the cause title of the bail application in Court today.
 3. Heard learned counsel for the petitioners and learned counsel for the State.
 4. The petitioners are apprehending arrest for the alleged commission of offence under Sections 341/323/307/294/34, I.P.C. and subsequently turned to Section 302, I.P.C. in C.T. Case No.914 of 2020 of the court of the learned J.M.F.C., Basta, arising out of Basta P.S. Case No.195 of 2020.
 5. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the petitioners.
 6. However, on the submission of the learned counsel, the petitioners are given liberty to surrender before the learned J.M.F.C.,

Basta 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.

7. 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.

8. The ABLAPL is accordingly disposed of.

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

(*A.K. Mohapatra*)
Judge