

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10174 of 2022

Ganesh Das

....

Petitioner

Mr. Rajib Lochan Pattnaik, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr.S.Patra,A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

26.08.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and the learned Additional Standing Counsel. Perused the records.
3. This is an application under Section 438 Cr.P.C. filed by the Petitioners for anticipatory bail.
4. It is submitted by the learned counsel for the Petitioner that the principal accused Niranjana Das and Papu Das have been arrested by the Police and thereafter they have been released on bail. He further submits that the main allegation is against the abovenamed two persons, who have assaulted and taken away the vehicle from the complainant. He further submits that the present Petitioner stands in a better footing from the above two persons. There is also no specific allegation against the present Petitioner.

5. The Petitioner is apprehending his arrest for the alleged commission of offence under Section 395 of the Indian Penal Code in G.R.Case No.2691 of 2021 corresponding to Tangi P.S.Case No.214 of 2021 of the Court of the learned J.M.F.C., Rural, Cuttack.

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

8. However, on the submission of the learned counsel, the Petitioner is given liberty to surrender before the learned J.M.F.C., Rural, Cuttack 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.

11. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge