

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.10804 OF 2021

Bijaya Kumar Behera

.... ***Petitioner***
Mr. S.R. Das, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. Samaresh Jena, ASC,

**CORAM:
MR. JUSTICE D.DASH**

ORDER

17.08.2022

Order No.

- 02.
1. The matter is taken up through hybrid arrangement (physical/virtual) mode.
 2. The Petitioner having been implicated in connection with Uditnagar P.S. Case No.162 of 2021 corresponding to G.R. Case No.1315 of 2021 pending on the file of learned S.D.J.M., Panposh for alleged commission of offence under Section-379/411/34 of the IPC, has filed this application under Section-438 of the Cr.P.C. for his release on bail in the event of his arrest in the aforesaid case.
 3. Heard learned counsel for the Petitioner and learned counsel for the State.
 4. Considering the submissions made and viewing the materials on record as also other surrounding circumstances, while being not inclined consider the prayer for grant of anticipatory bail to the Petitioner, this application is disposed of with the observation that in the event the Petitioner surrenders before the Court in seisin of the aforesaid case and moves for his release on bail, the same shall be considered on its own merit; further taking into account the

factum of release of co-accused person(s) on bail, if similarly situated with the Petitioner on the ground of parity as per law and disposed of early in accordance with law.

5. The ABLAPL is accordingly disposed of.

Interim order passed on 31.08.2021 does no more survive.

Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**

Narayan

