

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10495 of 2022

Hemanta Tarei & another ***Petitioners***
Mr. Jayanta Kumar Majhi, Advocate
-versus-
State of Odisha ***Opposite Party***
Mr. Shashank Patra, A.S.C.

**CORAM:
JUSTICE A.K.MOHAPATRA**

ORDER
06.09.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offences punishable under Sections 272/273/34, I.P.C. and Section 52(a) of the Orissa Excise Act.
4. Considering the seriousness of the allegation, gravity of the offence and the facts of the case, though I am not inclined to grant anticipatory bail to the Petitioners, however the Petitioners are given liberty to surrender before the learned S.D.J.M., Balasore in C.T. Case No.714 of 2021 corresponding to Chandipur P.S. Case no.75 of 2021 in the first hour within 21 working days hence and move for bail. In such event, the learned Magistrate shall consider the bail application of the Petitioners in the first hour of the day, strictly on

the basis of the materials available on record. In case of rejection of the bail application by the learned Magistrate, the Petitioners may move for bail before the higher forum in the second hour of the same day. In that event, the higher forum shall consider and dispose of the bail application of the Petitioners on the same day on merit, strictly on the basis of the materials available on record. Case Diary be made available to the learned courts below as soon as possible to facilitate in disposing of the bail application of the Petitioners on the same day itself.

5. Ground of parity, if canvassed by learned counsel for the Petitioners, may be taken into consideration by the learned courts below as per law, while dealing with the bail application of the Petitioners on merit.

6. The ABLAPL is disposed of accordingly.

7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge