

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10512 of 2022

Sipu Majhi

....

Petitioner

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 Petitioner and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offences punishable under Sections 272/273/34, I.P.C. read with Section 52(a) of the Odisha Excise Act.
4. Considering the seriousness of the allegation, gravity of the offence and the entirety of the prosecution case, this Court is not inclined to grant anticipatory bail to the Petitioner. However, the Petitioner is given liberty to surrender before the learned S.D.J.M., Balasore in C.T. Case No.979 of 2021 corresponding to Chandipur P.S. Case No.95 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 Petitioner in the first hour of the day itself, strictly on the basis of the materials available on record. In case of rejection of the bail application by the learned Magistrate, the Petitioner 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 Petitioner 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 Petitioner on the same day itself.

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