

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10620 of 2022

Ranjit Digal

....

Petitioner

Mr.Priyambada Sarangi, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr.M.K.Mohanty, A.S.C..

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

08.09.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and the learned Additional Standing Counsel. Perused the records.
3. This is an application under Section 438 Cr.P.C. filed by the Petitioner for anticipatory bail.
4. It is submitted by the learned counsel for the Petitioner that although the Petitioner was the owner of the vehicle and the same was sold to a scrap dealer, which was later on used by the Petitioner in the alleged crime. He submits that the Petitioner has no role in the alleged crime. He also submits that nothing has been recovered from the possession of the Petitioner and therefore, bar under section 37 will not be attracted. Further it is submitted that the Petitioner is working as private teacher.
5. Considering the nature of allegations and gravity of the offence

and the facts of the case, I am not inclined to grant anticipatory bail to the Petitioner. However, it is directed that in the event the Petitioner surrenders before the learned Special Judge, Gajapati in G.R.Case No.43 of 2021 arising out of Adava P.S.Case No.32 of 2021 within a period of three weeks from today and moves for bail, the same shall be considered and disposed of the bail application of the Petitioner on the very same day keeping in view the judgment delivered by the Hon'ble Supreme Court of India in the case of **Toofan Singh vrs. State of Tamil Nadu** : reported in (2021) 4 SCCI and order dated 10.01.2022 in the matter of **State By (NCB) Bengaluru vrs. Pallulabid Ahmad Arimuta and another (Special Leave to Appeal (Criminal) No.242 of 2022)**. Further it is directed that the case diary shall be made available to the concerned court to facilitate disposal of the bail application of the Petitioner. On such event the same shall be considered and disposed of the bail application of the Petitioner on the same day strictly on the basis of the materials on record.

6. Accordingly, the ABLAPL is disposed of.
7. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge