

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10741 of 2022

Balia @ Akshay Kumar Behera **Petitioner**
Mr. J.K. Majhi, Advocate
-versus-
State of Odisha **Opp. Party**
Mr. P.C. Das, 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 learned counsel for the State.
3. The petitioner is seeking pre-arrest bail in connection with C.T. Case No.202 of 2020, arising out of Balasore Sadar P.S. Case No.60 of 2020 pending in the court of learned J.M.F.C.(R), Balasore for commission of offence punishable under Sections 272/273/34, I.P.C. read with Section 52(a) of Orissa Excise Act, 2008.
4. It is submitted by learned counsel for the petitioner that on similar footing with the present, other accused persons have already been released on bail.
5. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the petitioner.
6. However, on the submission of the learned counsel, the petitioner is given liberty to surrender before the learned J.M.F.C.(R),

Balasore 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.

7. 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.

8. The ABLAPL is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

