

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10897 of 2022

Dinesh Biswas

....

Petitioner

Mr.Rajib Lochan Pattnaik, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr.S.Patra, A.S.C..

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

12.09.2022

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 the allegation leveled against the Petitioners in the F.I.R does not make out a prima facie case under the alleged offence. He also submits that the Petitioner has no criminal antecedents.
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 Additional Sessions Judge-cum-Special Judge, Umerkote in T.R.Case No.31 of 2020 arising out

of Umerkote P.S.Case No.209 of 2020 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