

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11191 of 2022

Bidyadhar Behera & Others

....

Petitioners

Tushar Kumar Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

11.10.2022

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 Petitioner for anticipatory bail, involving offences punishable under Sections 341/294/447/323/325/354/307/379/506/34, I.P.C.
4. It is submitted by learned counsel for the Petitioners that there exists case and counter case against both the parties. It is further submitted that the present F.I.R. is the counterblast to the F.I.R. lodged earlier by the present Petitioners against the Informant. Learned counsel for the State on the other hand submits that the injuries sustained by the injured are grievous in nature and the allegations are omnibus in nature.

5. Considering such submission, 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 J.M.F.C., Salipur in G.R. Case No.392 of 2022 corresponding to Mahanga P.S. Case No.111 of 2022 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.

6. 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.

7. The ABLAPL is disposed of accordingly.

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

(A.K. Mohapatra)
Judge