

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11359 of 2022

Gargaba @ Gargab Prasad Bagarty ***Petitioner***
Mr.Sachidananda Padhee,Advocate

-versus-

State of Odisha ***Opp. Party***
Mr.M.K.Mohanty,A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

16.09.2022

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. The Petitioner is apprehending his arrest for the alleged commission of offence under Section 394 of the Indian Penal Code in G.R.Case No.45 of 2012 arising out of Bargarh Town P.S.Case No.15 of 2012 of the Court of the learned S.D.J.M., Bargarh.
 3. It is submitted by the learned counsel for the Petitioner that some of the co-accused persons have been released on bail.
 4. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioner.
 5. However, on the submission of the learned counsel, the Petitioner is given liberty to surrender before the learned S.D.J.M., Bargarh 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.

6. 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.
7. The ABLAPL is accordingly disposed of.
8. Issue urgent certified copy of the order as per Rules.



RKS