

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11455 of 2022

Raj Sagar @ Bhorasagar

.... ***Petitioner***
Mr.S.S.Ray,Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr.P.C.Das,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 Sections 147, 148, 452, 302, 436/149 of the Indian Penal Code in G.R.Case No.956 of 2018 arising out of Town P.S.Case No.116 of 2018 of the Court of the learned S.D.J.M., Sambalpur.
3. It is submitted by the learned counsel for the Petitioner that the Petitioner has not been named in the F.I.R. Further, he submits that some of the accused persons, who have been named in the F.I.R. have already been released on bail by this Court in BLAPL No.1979 of 2020 vide order dated 07.05.2020 which has also been reflected in order dated 22.06.2020 by the learned court below in Bail Application No.575 of 2020 while releasing one of the co-accused

Surendra Nag. It is further submitted by the learned counsel for the Petitioner that many co-accused persons have been released on bail by the learned court below.

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., Sambalpur 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.

(A.K. Mohapatra)
Judge