

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11509 of 2022

Bikas Swain & another

....

Petitioners

Mr. Naibedya Prasad Samal, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K. Mohanty, A.S.C.

Anjan Kumar Biswal, Adv. for Informant

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

19.09.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner, learned Addl. Standing Counsel for the State and learned counsel for the Informant.
3. Learned counsel for the Informant files an affidavit of the Informant, which be kept on record.
4. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offences punishable under Sections 341/323/325/307/294/506/34, I.P.C.
5. Learned counsel for the Petitioners submits that Petitioner No.2 – Ranjan Swain has been arrested in the meantime and therefore this bail application in respect of Petitioner No.2 has become infructuous.
6. Accordingly, the ABLAPL is dismissed as infructuous, so far as Petitioner No.2 – Ranjan Swain is concerned.

7. So far as Petitioner No.1 – Bikash Swain is concerned, considering the seriousness of the allegation, gravity of the offence and the facts of the case, though I am not inclined to grant anticipatory bail to Petitioner No.1, however Petitioner No.1 is given liberty to surrender before the learned S.D.J.M., Jagatsinghpur in G.R. Case No.1409 of 2022 corresponding to Naugaon P.S. Case No.192 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 Petitioner No.1 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 Petitioner No.1 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 Petitioner No.1 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 Petitioner No.1 on the same day itself.

8. 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 Petitioner No.1 on merit.

9. The ABLAPL is disposed of accordingly.

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

(A.K. Mohapatra)
Judge