

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11531 of 2022

Jiban Behera

Petitioner
....
Mr. U.R. Jena, Advocate

-versus-

State of Odisha

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

11.10.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. This is an application under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with C.T. Case No.284 of 2022 arising out of Nilgiri P.S. Case No.188 of 2022 pending in the Court of learned S.D.J.M., Nilgiri for alleged commission of offences under Section 306, I.P.C.
4. It is submitted by learned counsel for the petitioner that there is no allegation against the petitioner and he has not abetted the victim for commission of crime under 306, I.P.C.
5. Learned counsel for the State submits that there is a dispute with regard to suicidal note of the victim against the petitioner and the bail application of the petitioner may kindly be rejected.
6. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the petitioner.

7. However, on the submission of the learned counsel, the petitioner is given liberty to surrender before the learned S.D.J.M., Nilgiri 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.

8. 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.

9. The ABLAPL is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

(*A.K. Mohapatra*)
Judge