

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12097 of 2022

Jitendra Sahu and another ***Petitioners***

Mr. Kirtan Dang, Advocate

-versus-

State of Odisha ***Opp. Party***

Mr. S. Mishra, A.S.C.

*Mr. Jagabandhu Sahu, Advocate for the
informant*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

17.10.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.
4. The petitioners are seeking pre-arrest bail in connection with G.R. Case No.1419 of 2022, arising out of Bolangir Town P.S. Case No.471 of 2022 pending in the court of learned S.D.J.M., Bolangir for commission of offence punishable under Sections 452/341/294/354/509/506/34, I.P.C.
5. Considering the nature of allegation, gravity of offence and the facts of the case, I am not inclined to grant anticipatory bail to the

petitioner no.2-Bhagyashree Sahoo. However, it is directed that in the event the petitioner no.2-Bhagyashree Sahoo surrenders and moves an application for bail before the learned court in seisin over the matter within a period of three weeks from today, she shall be released on bail on such terms and conditions as would be deemed just and proper.

6. So far as petitioner no.1-Jitendra Sahu is concerned. However, on the submission of the learned counsel, the petitioner no.1-Jitendra Sahu is given liberty to surrender before the learned S.D.J.M., Bolangir 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 no.1 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 no.1 on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

7. 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.

8. The ABLAPL is accordingly disposed of.

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

(A.K. Mohapatra)
Judge