

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12138 of 2022

Bijay Kumar Behera

....

Petitioner

Mr. A.K. Mohanty, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. P.K. Rout, A.G.A.

*Mr. G.R. Mohanty, Advocate for the
Informant*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

17.11.2022

Order No.

03.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner and learned counsel for the railway department.
3. This is an application under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with G.R. Case No.1472 of 2022 arising out of Mahakalapara P.S. Case No.135 of 2022 pending in the Court of learned S.D.J.M., Kendrapara for alleged commission of offences under Sections 498-A/302/304-B/34, I.P.C. read with Section 4 of the D.P. Act.
4. It is submitted by learned counsel for the petitioner that the petitioner is the husband of the deceased and he has been falsely implicated the present case. It is further submitted by learned counsel for the petitioner that the petitioner is a Government servant and the bail application of the petitioner may be considered favourably.
5. Considering the facts of the case, this Court is not inclined to

grant anticipatory bail to the petitioner.

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

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