

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.12220 OF 2022

Sarat Kumar Sahoo & Another ***Petitioners***

Mr.S.K. Rout, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr. Samaresh Jena, ASC,

CORAM:

MR. JUSTICE D.DASH

ORDER

17.10.2022

Order No.

01. 1. This matter is taken up through hybrid arrangement (virtual/ physical) mode.
2. This is the second journey of the Petitioners in filing this application under Section-438 of the Cr.P.C. for their grant of bail in the event of their arrest in connection with Chauliaganj P.S. Case No.136 of 2017 corresponding to G.R. Case No.1136 of 2017 on the file of learned J.M.F.C.(City), Cuttack for alleged commission of offence under Section-341/326/307/427/506/34 of the IPC for reconsideration of the prayer for grant of anticipatory bail to the Petitioners in the above mentioned case.
3. Learned Counsel for the Petitioners submits that in the meantime, some of the co-accused persons similarly situated with the Petitioners have already been released on bail. In view of such change in circumstance, he urges for reconsideration of the prayer for grant of anticipatory bail to the Petitioners.
4. Learned Counsel for the State opposes the move. According to him, the Petitioners had moved this Court way back in the year 2018 and then again have renewed their prayer for grant

of anticipatory bail to in the year 2022. The above submitted circumstance cannot be taken a change in the circumstance for reconsideration of the prayer for grant of anticipatory bail to the Petitioners.

5. Considering the submissions made and on going the materials as placed; while being not inclined to entertain this application for reconsideration of the prayer for grant anticipatory bail to the Petitioners, this application stands disposed of with the observation that in the event the Petitioners surrender before the Court in seisin of the above mentioned case and move for their release on bail, the same shall be considered on its own merit; further taking into account the factum of grant of bail to the co-accused person(s) in their proper perspective and if similarly situated with the Petitioners on the ground of parity as per law and disposed of early.

6. The ABLAPL is accordingly disposed of.
Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**

Narayan