

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12396 of 2022

M. Ankete Rao Dora @ N. Enkati ***Petitioner***
Rao Dora

Mr. B.K. Das, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. S.Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

29.09.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioner and learned counsel for the State.
 3. The petitioner is seeking pre-arrest bail in connection with G.R. Case No.374 of 2009 arising out of Aska P.S. Case No.269 of 2009, pending in the court of learned J.M.F.C., Aska for commission of offences punishable under Sections 307/120-B/34, I.P.C. read with Sections 25 and 27 of the Arms Act.
 4. Earlier the present petitioner had approached before this Court in ABLAPL No.12813 of 2017, this Court by order dated 22.08.2017 was disposed of the same directing the petitioner to surrender before the learned court below and move an application for bail. However, it is submitted by learned counsel for the petitioner that in the meantime, the matter has been amiably settled and arrived at compromise. In such view of the matter, present bail application has been filed seeking release of the petitioner on anticipatory bail.

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 J.M.F.C., Aska 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