

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12503 of 2022

Maja @ Sk. Majit & another

.... Petitioners

Mr. B.K. Biswal, Advocate

-versus-

State of Odisha

.... Opposite Party

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

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER
28.09.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners as well as learned Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offences punishable under Sections 379/411/413/120-B, I.P.C. and Section 21 of MMDR Act., 1957.
4. Considering the seriousness and gravity of the offence as alleged and the facts of the case, although this Court is not inclined to grant anticipatory bail to the Petitioners, however it is observed that, in the event Petitioner No.2 – namely Litu @ Tobarak Alli Khan surrenders and moves for bail before the learned J.M.F.C., Bhaput in G.R. Case No.166 of 2022 corresponding to Fategarh P.S. Case No.173 of 2022 within a period of three weeks from today, he shall be released on bail on such terms and conditions as the learned

Magistrate may deem just and proper in the facts and circumstances of the case, but subject to verification of his Criminal Antecedent. If it is found that there is more than one criminal antecedent of similar nature against Petitioner No.2, then this bail order shall stand automatically revoked.

5. However, so far as Petitioner No.1 – Maja @ Sk. Majit is concerned, he is given liberty to surrender before the learned J.M.F.C., Bhapur in the aforesaid G.R. Case in the first hour within 21 working days hence and move for bail. In such event, the learned Magistrate shall consider the bail application of Petitioner No.1 in the first hour of the day, strictly on the basis of the materials on record. In case of rejection of the bail application by the learned Magistrate, Petitioner No.1 may move for bail before the higher forum in the second hour of the same day. In that event, the higher forum shall consider and dispose of the bail application of Petitioner No.1 on the same day on merit, strictly on the basis of the materials available on record. Ground of parity, if canvassed by the learned counsel for the Petitioners, shall be taken into consideration by the learned Courts below while considering the bail application of Petitioner No.1 in accordance with law.

6. The ABLAPL is disposed of accordingly.

7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge