

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12740 of 2022

Sitakanta Mohapatra

....

Petitioner

Mr.Basudev Mishra,Advocate

-versus-

State of Odisha

....

Opp. Party

Mr.S.Patra,A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

12.10.2022

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner and the learned Additional Standing Counsel.
 3. The Petitioner is apprehending his arrest for the alleged commission of offence under Sections 498-A, 304-B,302/34 of the Indian Penal Code read with Section 4 of the D.P. Act in G.R.Case No.26 of 2021 arising out of Sarankul P.S.Case No.15 of 2021 of the Court of the learned J.M.F.C., Odagaon.
 3. It is submitted by the learned counsel for the Petitioner that the Petitioner had earlier approached this Court in ABLAPL No.4940 of 2021 which was disposed of by order dated 16.08.2021 with the observation that the Court was not inclined to grant the prayer of pre-arrest bail at that stage. However, learned counsel for the Petitioner

submits that the Petitioner is the father-in-law and the principal accused is in custody. Further, it is submitted by the learned counsel for the Petitioner that the co-accused persons have already been released on bail by the learned court below.

4. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioner.

5. However, on the submission of the learned counsel, the Petitioner is given liberty to surrender before the learned J.M.F.C., Odagaon 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.

6. 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.

7. The ABLAPL is accordingly disposed of.

8. Issue urgent certified copy of the order as per Rules.

(A.K. Mohapatra)
Judge