

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12958 of 2022

Rajendra Malik @ Gajia

....

Petitioner

Mr. A. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

03.11.2022

I.A. No.2156 of 2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioner as well as learned counsel for the State.
 3. In view of the submissions made, the order dated 12.10.2022 is hereby recalled. Accordingly, the I.A. stands allowed.

(A.K. Mohapatra)
Judge

ABLAPL No.12958 of 2022

- 03.
4. Heard.
 5. The petitioner is seeking pre-arrest bail in connection with C.T. Case No.1166 of 2022 arising out of Korei P.S. Case No.295 of

2022, pending in the court of learned J.M.F.C., Jajpur Road for commission of offences punishable under Sections 147/148/341/448/323/325/307/427/149, I.P.C.

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

7. However, on the submission of the learned counsel, the petitioner is given liberty to surrender before the learned J.M.F.C., Jajpur Road 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.

8. 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.

9. Four weeks' further time from today is extended for the petitioner to surrender before the learned court below, vide order dated 12.10.2022 passed in ABLAPL No.12958 of 2022, but subject to depositing cost of Rs.500/- (Rupees five hundred) in the Advocates' Welfare Fund of Orissa High Court Bar Association within fifteen days and furnishing money receipt thereof in proof of deposit.

10. It is made clear that, if the cost is not deposited within the stipulated time, time extended for the petitioner to surrender shall stand revoked automatically.

11. The ABLAPL is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge

Jagabandhu

