

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13014 of 2022

Jara Khillo

.... ***Petitioner***
Mr. D.R. Bhokta, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. M.K. Mohanty, 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 learned Additional Standing Counsel for the State.
3. This is an application under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with C.T. Case No.06 of 2019 arising out of Nandapur P.S. Case No.92 of 2018 pending in the Court of learned Additional Sessions Judge, Koraput for alleged commission of offences under Section 395, I.P.C.
4. It is submitted by learned counsel for the petitioner that on the basis of the statement of the co-accused, the petitioner has been falsely implicated in this case. He further submits that one co-accused has been arrested and released on bail and that the stolen articles recovered in the meantime.
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 Additional Sessions Judge, Koraput 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