

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.17838 OF 2019

Mitu @ Bijay Jena

....

Petitioner

Mr.A. Tripathy, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Samaresh Jena, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

20.09.2022

Order No.

03. 1. This matter is taken up through hybrid arrangement (physical/ virtual) mode.
2. The Petitioner having been implicated in connection with Nayagarh Sadar P.S. Case No.60 of 2019 corresponding to G.R. Case No.218 of 2019 pending on the file of learned S.D.J.M., Nayagarh, for alleged commission of offence under section-394 of the IPC, has filed this Application under section-438 of the Cr.P.C. for his release on bail in the event of his arrest in the above mentioned case.
3. Heard learned Counsel for the Petitioner and learned Counsel for the State.
4. Considering the submissions made and on going through the materials on record, as also the surrounding circumstances; while being not inclined to grant anticipatory bail to the Petitioner; it is observed that in the event the Petitioner surrenders before the Court in seisin of the case within three weeks hence in the above mentioned case and moves for his release on bail, the same shall be considered on its own merit; further taking into account the factum of release of co-accused person(s) on bail, if similarly situated with

the Petitioner on the ground of parity, as per law and disposed of during the first hour in accordance with law without being prejudiced by this order so as to enable the Petitioner to approach the next higher forum during the course of the day, in case necessity so arises unless there stands any legal impediment.

The case records be made available at the cost of the Petitioner.

5. The ABLAPL is accordingly disposed of.

Interim order passed on 20.12.2019 does no more survive.

Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**

Narayan

