

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13169 of 2022

Anup Kumar Bhitiria & another **Petitioners**
Mr. Sushanta Kumar Joshi, Advocate
-versus-
State of Odisha **Opposite Party**
Mr. Sitikant Mishra, A.S.C.

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
14.10.2022

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 498-A/494/294/506/34, I.P.C.
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 Arati Bhitiria surrenders and moves for bail before the learned J.M.F.C., Bangomunda in G.R. Case No.235 of 2022 corresponding to Sindhekela P.S. Case No.149 of 2022 within a period of three weeks from today, she 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.

5. However, so far as Petitioner No.1 – Anup Kumar Bhitiria is concerned, he is given liberty to surrender before the learned J.M.F.C., Bangomunda 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