

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13188 of 2022

Jitendra Dalei

....

Petitioner

Mr. Kedar Chandra Sarangi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Shashanka Patra, A.S.C.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

01.11.2022

Order No.

02. 1. Heard learned counsel for the Petitioner and the State.
2. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offences punishable under Sections 294/354/506/12-B/307/302/34, I.P.C. and Sections 3 & 4 of Explosive Substances Act, 1908 and Sections 25 & 27 of Arms act, 1959.
3. Considering the seriousness of the allegation, gravity of the offence and the facts of the case, I am not inclined to grant anticipatory bail to the Petitioner. However, the Petitioner is given liberty to surrender before the learned J.M.F.C., Bhapur, Nayagarh in G.R. Case No.221 of 2019 arising out of Fategarh P.S. Case No.178 of 2019 in the first hour within three weeks hence and move for bail. In such event, the learned Magistrate shall consider the bail application of the Petitioner in the first hour of the day, strictly on the basis of the materials available on record. In case of rejection of the

bail application by the learned Magistrate, the Petitioner 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 the Petitioner on the same day on merit, strictly on the basis of the materials available on record without being influenced by the observation made herein. Case Diary be made available to the learned courts below as soon as possible to facilitate disposal of the bail application of the Petitioner on the same day itself.

4. The ABLAPL is disposed of accordingly.

(*Chittaranjan Dash*)
Judge

S.K.Parida

