

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL No.13227 of 2022**

***Ashok Behera***

....

***Petitioner***

*Mr. Haraprasad Panda, Advocate*

*-versus-*

***State of Odisha***

....

***Opposite Party***

*Mr. D. Biswal, A.S.C.*

**CORAM:**

**JUSTICE CHITTARANJAN DASH**

**ORDER**

**26.10.2022**

**Order No.**

02. 1. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
2. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offences punishable under Section 306, I.P.C.
3. Considering the seriousness of the allegation, gravity of the offence and the facts of the case, though 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., Banrapal in G.R. Case No.1296 of 2021 corresponding to Banrapal P.S. Case No.433 of 2021 in the first hour within 21 working days from today 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 its own merit, strictly on the basis of the materials available on record not being influenced in any of the observations made herein. Case Diary be made available to the learned courts below as soon as possible to facilitate in disposing 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*

