

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13465 of 2022

Mithun Ojha @ Jatia

....

Petitioner

Mr. Arjun Charan Behera, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. S. Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

19.10.2022

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 G.R. Case No.1137 of 2022 arising out of Markata Nagar P.S. Case No.164 of 2022 pending in the Court of learned S.D.J.M.(Sadar), Cuttack for alleged commission of offences under Sections 341/294/323/354/354-A/34, I.P.C.
 4. It is submitted by learned counsel for the petitioner submits that on similar footing with the present petitioner, other co-accused persons have been released on bail by this Court in ABLAPL No.11841 of 2022 vide order dated 21.09.2022.
 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 S.D.J.M.(Sadar), Cuttack 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