

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13814 of 2022

Binod Biswal

.... ***Petitioner***
Mr. M.K Chand, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. Sasanka Patra, A.S.C.

**CORAM:
JUSTICE CHITTARANJAN DASH**

**ORDER
22.11.2022**

Order No.

03.

1. Heard learned counsel for the Petitioner and the State.
2. This is an application for bail U/s.438 Cr.P.C. filed by the Petitioner in apprehension of arrest for his alleged involvement in the offences U/s. 341/294/323/353/354/332/186/307/109/506/34 of IPC & Section 52(a) (i) O.E Act.
3. Keeping in view the submission of the parties and having gone through the nature of allegations as emerged from the material on record and further the circumstances appearing, the seriousness and gravity of the offences, while this Court is not inclined to grant anticipatory bail, the petitioner is at liberty to surrender before the learned S.D.J.M., Khurda in Jankia P.S case No. 349 of 2022 corresponding to G.R Case No. 1714 of 2022 within three weeks' from today and move for bail. In such event the learned court in seisin over the matter 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 its own merit.

4. In case of rejection of the bail application by the learned court, 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.

5. It is made clear that the learned court below shall not be influenced by any of the observations of this court made herein above in any manner and shall no way presume this direction to be for grant of bail in affirmative.

6. Court has to apply its own wisdom in dealing with the application for bail.

6. Ground of parity, if canvassed by the learned counsel for the Petitioner, shall be taken into consideration by the learned Court below while considering the bail application of the Petitioner.

7. The ABLAPL is disposed of.

(Chittaranjan Dash)
Judge

B.K Sahoo