

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13871 of 2022

Hemanta Padhan and others ***Petitioners***
Mr. Samarendra Bahadur, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. Debasis Biswal, ASC

CORAM:
JUSTICE CHITTARANJAN DASH

ORDER
28.10.2022

Order No.

01. 1. Heard learned counsel for the Petitioners and the State.
2. This is an application under Section 438 Cr.P.C. filed by the Petitioners for anticipatory bail for the offences under Section 395 IPC and Sections 25/27 of the Arms 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 Petitioners are at liberty to surrender before the learned J.M.F.C., Hemgiri in G.R. Case No.131 of 2022 corresponding to Hemgiri P.S. Case No.259 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 Petitioners 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 Petitioners 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 Petitioners 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. Case diary be made available to the learned courts below as soon as possible to facilitate disposal of the bail application of the Petitioners on the same day.

6. The ABLAPL is disposed of.

सत्यमेव जयते

(Chittaranjan Dash)
Judge