

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13930 of 2022

Amir Sa @ Amir Sha

....

Petitioner

Mr. Abhaya Kumar Parida, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Debasis Biswal, A.S.C.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

31.10.2022

Order No.

01. 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 allegedly for his involvement in the offences punishable under Sections 498-A/448/323/294/354/379/506/34, I.P.C. and Section 4 of the D.P. Act.
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., Pipili in G.R. Case No.645 of 2022 arising out of Delanga P.S. Case No.231 of 2022 in the first hour within three weeks 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 its own merit. 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 such 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 any observation made by this court. 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. Ground of parity, if canvassed by learned counsel for the Petitioner, may be taken into consideration by the learned courts below as per law, while dealing with the bail application of the Petitioner on merit.

5. The ABLAPL is disposed of accordingly.

6. Urgent certified copy of this order be granted as per rules.

(*Chittaranjan Dash*)
Judge