

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13931 of 2022

Jakir Sa & Others

.... Petitioners

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. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and the State.
3. This is an application under Section 438 Cr.P.C. filed by the Petitioners for anticipatory bail allegedly for their 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.
4. 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 Petitioners. However, the Petitioners are 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.233 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 Petitioners 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 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 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 Petitioners on the same day itself.

5. Ground of parity, if canvassed by learned counsel for the Petitioners, may be taken into consideration by the learned courts below as per law, while dealing with the bail application of the Petitioners on merit.

6. The ABLAPL is disposed of accordingly.

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

(Chittaranjan Dash)
Judge