

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14057 of 2022

***Amit Patra @ Amit Kumar Patra @
Papu Patra & another***

.... Petitioners
Mr. Kirtan Dang, Advocate

-versus-

State of Odisha

.... Opposite Party
Mr. Shashanka Patra, A.S.C.

**CORAM:
JUSTICE CHITTARANJAN DASH**

**ORDER
03.11.2022**

Order No.

01. 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 Petitioners in anticipation of arrest for their alleged involvement in the offences U/s. 370/374/420/34, I.P.C. and Section 25 of Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.
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 Petitioners. However, the Petitioners are given liberty to surrender before the learned J.M.F.C., Saintala in G.R. Case No.289 of 2022 arising out of Saintala P.S. Case No.305 of 2022 in the first hour within three weeks hence 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 itself, 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 herein by this Court presuming it be a direction in affirmative.

4. Case Diary be made available to the learned courts below as soon as possible to facilitate disposal of the bail application of the Petitioner on the same day itself.

5. Learned court below shall also verify the aspect of criminal antecedents of similar nature or otherwise of the Petitioners, while considering the bail application.

6. The ABLAPL is disposed of accordingly.

(*Chittaranjan Dash*)
Judge