

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14077 of 2022

Ashok Jagadev & another ***Petitioners***
Mr. Jyotirmaya Sahoo, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. Shashanka Patra, A.S.C.

CORAM:
JUSTICE CHITTARANJAN DASH

ORDER
28.11.2022

Order No.

04. 1. Heard the learned counsel for the Petitioners and the State.
2. By means of this application, the Petitioners seek grant of bail U/s.438 Cr.P.C., in apprehension of arrest for their alleged involvement in the offence U/s. 379/411/34, I.P.C. and Section 51 of the OMMC Rules, in connection with Nirakarpur P.S. Case No.201 of 2022 corresponding to G.R. Case No.564 of 2022 pending in the court of learned N.G.N.-cum-J.M.F.C., Tangi.
3. Learned counsel for the Petitioners does not press this bail application in respect of Petitioner No.1. Accordingly, the ABLAPL is dismissed as not pressed so far as Petitioner No.1 – Ashok Jagadev is concerned.
4. So far as Petitioner No.2 – Sipu Parida is concerned, considering the nature and seriousness of the allegation, gravity of the offence and the facts of the case, while this Court is not inclined to grant

anticipatory bail to Petitioner No.2, it is directed that Petitioner No.2 if so chooses, may surrender before the learned N.G.N.-cum-J.M.F.C., Tangi in the aforesaid G.R. Case during the first hour within three weeks hence and move for bail, the learned Magistrate shall consider the bail application of Petitioner No.2 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 Petitioner No.2 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 Petitioner No.2 on the same day on its own merit, strictly on the basis of the materials available on record, without being influenced by any observation made herein by this Court or even presuming it to be a direction in affirmative.

5. Case Diary be transmitted and made available to the learned courts below, at the cost of the Petitioner, as soon as possible to facilitate disposal of the bail application of the Petitioner No.2 on the same day itself.

6. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge