

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14148 of 2022

***Pramod Kumar Gadnayak and
another***

....

Petitioners

Mr. A.K. Sahoo, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. S. Patra, ASC

**CORAM:
JUSTICE CHITTARANJAN DASH**

**ORDER
05.12.2022**

Order No.

03.

1. Heard learned counsel for the Petitioners and the State.
2. This is an application for bail U/s.438 Cr.P.C. filed by the Petitioners in apprehension of arrest for their alleged involvement in the offences U/s.379/411/34 IPC.
3. The F.I.R. reveals that the driver disclosed to have transported the coal at the instance of the Petitioners. The learned counsel for the state submitted that apparently there appears no criminal antecedent against the Petitioners.
4. Keeping in view the submission of the parties, the nature of allegation and the gravity of offence, while this Court is not inclined to grant anticipatory bail, the Petitioners are at liberty to surrender before the learned S.D.J.M., Deogarh in connection with

C.T. Case No.1249 of 2022 corresponding to Deogarh P.S. Case No.794 of 2022 within three weeks' hence and moves 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.

5. 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 strictly on the basis of the material available on record.

6. 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. The ABLAPL is disposed of.

संक्षिप्त न्यायो

ORISSA

(Chittaranjan Dash)
Judge

KC Bisoi