

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14154 of 2022

Subham Das & Others

Petitioners
....
Mr. H.K. Mohanta, Advocate

-versus-

State of Odisha

Opposite Party
....
Mr. M.K. Mohanty, A.S.C.

**CORAM:
JUSTICE CHITTARANJAN DASH**

ORDER
16.11.2022

Order No.

02. 1. Heard the 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 anticipation of arrest for their alleged involvement in the offences U/s. 143/147/148/341/323/324/149, I.P.C. in connection with Baripada Town P.S. Case No.919 of 2022 corresponding to C.T. Case No.1970 of 2022 pending in the court of learned S.D.J.M., Baripada.
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 at liberty to surrender before the learned S.D.J.M., Baripada in the aforesaid C.T. Case 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 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 and 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 Petitioners 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