

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14223 of 2022

Amit Nayak & others

Petitioners
....
Mr. S.N Mishra, Advocate

-versus-

State of Odisha

Opp. Party
....
Mr. Sasanka Patra, A.S.C.

**CORAM:
JUSTICE CHITTARANJAN DASH**

Order No.

**ORDER
09.11.2022**

- 01.
1. Heard learned counsel for the Petitioners and the State.
 2. This is an application under Section 438 Cr.P.C. filed by the Petitioners for anticipatory bail for the offences under Section 294/387/506/34 of IPC.
 3. Keeping in view the submission of the parties and having gone through the nature of allegations as emerged from the material on record and further the circumstances appearing, the seriousness and gravity of the offences, while this Court is not inclined to grant anticipatory bail, the petitioners are at liberty to surrender before the learned S.D.J.M., Puri in G.R case No. 2266 of 2022 corresponding to Kumbharpada P.S case No. 277 of 2022 within three weeks hence and moves for bail, 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.

4. 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.

5. It is made clear that the learned court below shall not be influenced by any of the observations of this court made herein above in any manner. 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 and not being taking the direction herein as affirmative.

6. The ABLAPL is disposed of.

ORISSA

(*Chittaranjan Dash*)
Judge

B.K Sahoo