

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14309 of 2022

Rupanlal Sahu & Others

.... Petitioners

Mr. S.K. Joshi, Advocate

-versus-

State of Odisha

.... Opposite Party

Mr. Shashanka Patra, A.S.C.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

28.11.2022

Order No.

03. 1. Heard the learned counsel for the Petitioners and the State.
2. By means of this application U/s.438 Cr.P.C., the Petitioners seeks grant of bail in apprehension of arrest for their alleged involvement in the offence U/s. 341/323/307/34, I.P.C., in connection with Jonk P.S. Case No.236 of 2022 corresponding to C.T. Case No.647 of 2022 pending in the court of learned S.D.J.M., Nuapada.
3. Learned counsel for the State submits that the injury report reveals the injured to have received grievous injuries to the vital part of the body, i.e. head besides other injuries to the fingers, as alleged in the F.I.R. It is also submitted by learned counsel for the State that no criminal antecedent seems to be in the credit of the present Petitioners.
4. Considering the nature and seriousness of the allegation, gravity of the offence and the facts and circumstances of the case, while this

Court is not inclined to grant anticipatory bail to the Petitioners, the Petitioners if so choose, may surrender before the S.D.J.M., Nuapada in the aforesaid C.T. Case during 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 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 Petitioners, as soon as possible to facilitate disposal of the bail application of the Petitioners on the same day itself.

6. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge