

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 14404 of 2022

Saroj Behera

....

Petitioner

Mr. Jayanta Kumar Majhi, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. S. Patra, A.S.C.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

06.12.2022

Order No.

04.

1. Heard learned counsel for the Petitioner and the State.
2. This is an application for bail U/s.438 Cr.P.C. filed by the Petitioner in apprehension of arrest for his alleged involvement in the offences U/s. 498(A)/302/304(B)/34 of IPC read with Section 4 of the D.P. Act.
3. Learned Counsel for the Petitioner submits that charge-sheet in this case has been submitted and the offence U/s.302 IPC is turned to section 306 IPC. On the basis of the fact, the death of the deceased is ante-mortem hanging. There appears no external injury. The Petitioner was away from home in connection with his livelihood and he is no way connected in the alleged death of the deceased.
4. 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 Petitioner is at liberty to surrender before the learned JMFC, Basta in Baliapal PS Case No. 78 of 2021 corresponding to CT Case No. 328 of 2021 within three weeks from today and moves for bail. In such event the learned court in seisin over the matter shall consider the bail application of the Petitioner 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 Petitioner 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 Petitioner on the same day on its own merit. 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.

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 Petitioner on the same day.

6. Court has to apply its own wisdom in dealing with the application for bail. The ABLAPL is disposed of.

(Chittaranjan Dash)
Judge

B.K Sahoo/AK Pradhan