

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14409 of 2022

Rajesh Kumar Behera

....

Petitioner

Mr. J.K. Khuntia, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. S. Patra, ASC

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

18.11.2022

Order No.

01.

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 anticipation of arrest for his alleged involvement in the offences U/s.498-A/304-B/302/34 IPC read with Section 4 of the D.P. Act.

3. Learned counsel for the Petitioner submits that some of the co-accused persons have since been released on bail by the learned court below.

4. Keeping in view the submission of the parties, the nature of allegations, 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 S.D.J.M., Balasore in Bamapada (Industrial Area) P.S. Case

No.112 of 2022 corresponding to C.T. Case No.558 of 2022 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.

4. In case of rejection of the bail application by the learned court, the Petitioner may moves 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. 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. Ground of parity, if canvassed by the learned counsel for the Petitioner, may be taken into consideration by the learned courts below as per law, while dealing with the bail application of the Petitioner on merit.

5. The ABLAPL is disposed of.

(Chittaranjan Dash)
Judge