

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14416 of 2022

Bhagaban Bhoi

....

Petitioner

Mr. Jnyanananda Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Shashanka Patra, A.S.C.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

18.11.2022

Order No.

01. 1. Heard the learned counsel for the Petitioner and the State.
2. By means of this application U/s.438 Cr.P.C., the Petitioner seeks for bail in anticipation of arrest for his alleged involvement in the offence U/s. 380/34, I.P.C., in connection with Narla P.S. Case No.167 of 2022 corresponding to C.T. Case No.390 of 2022 pending in the Court of learned J.M.F.C., M.Rampur.
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 Petitioner. However, the Petitioner, if so chooses, may surrender before the learned J.M.F.C., M. Rampur 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 Petitioner 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

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 merit, strictly on the basis of the materials available on record, without being influenced by any observation made herein by this Court 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 Petitioner on the same day itself.

5. Learned court below shall also verify the aspect of criminal antecedents of similar nature or otherwise of the Petitioner, while considering the bail application.

6. The ABLAPL is disposed of accordingly.

(*Chittaranjan Dash*)
Judge

S.K.Parida