

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14417 of 2022

Niranjan Makut and another ***Petitioners***
Mr. Jnyanananda Panda, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. P.S. Nayak, Sr. Panel Counsel for the Union of India

CORAM:
JUSTICE CHITTARANJAN DASH

ORDER
08.12.2022

Order No.

03.

1. Heard learned counsel for the Petitioners and the Union of India.
2. This is an application for bail U/s.438 Cr.P.C. filed by the Petitioners in anticipation of arrest for their alleged involvement in the offences U/s.3(a) of the RP (UP) Act.
3. As regards the Petitioner No.1, namely, Niranjan Makut is concerned, he has been convicted in 2(c) CC No.80 of 2005 arising out of RPF Post Mancheswar P.S. Case No.3 of 2005. This Court is not inclined to grant anticipatory bail to the Petitioner No.1. The ABLAPL is dismissed as against Petitioner No.1.
4. So far as the Petitioner No.2, namely, Jagan Makut, is concerned, keeping in view the submission of the parties, the nature of allegation and the gravity of offence, while this Court is not inclined to grant anticipatory bail, the Petitioner No.2 is at liberty to

surrender before the learned J.M.F.C., M. Rampur in connection with 2(c) CC No.07 of 2022 within three weeks' hence and moves for bail. In such event the learned court in seisin over the matter shall consider the bail application of the Petitioner No.2 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 No.2 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 No.2 on the same day on its own merit strictly on the basis of the material available on record.

6. Case diary be made available to the learned courts below as soon as possible to facilitate disposal of the bail application of the Petitioner No.2 on the same day. The ABLAPL is disposed of.

(Chittaranjan Dash)
Judge

KC Bisoi