

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14422 of 2022

Biswaranjan Perai @ Rasika ***Petitioners***
Perai and others

Mr. B.N. Mohapatra, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. S. Patra, ASC

CORAM:
JUSTICE CHITTARANJAN DASH

ORDER
06.12.2022

Order No.

02.

1. Heard learned counsel for the Petitioners and the State.
2. This is an application for bail U/s.438 Cr.P.C. filed by the Petitioners in apprehension o/f arrest for their alleged involvement in the offences U/s.379 IPC.
3. Learned counsel for the Petitioners does not want to press the bail application of Petitioner No.2, namely, Munu Jena @ Munu Perai since he having arrested has been released on bail. Therefore, the bail application of Petitioner No.2 is dismissed as not pressed.
4. Learned counsel for the State on instruction submits that no criminal antecedent stands to the credit of the Petitioners.
5. Keeping in view the submission of the parties, the nature of allegations as emerged from the material on record, the circumstances appearing, the seriousness and gravity of the

offences, while this Court is not inclined to grant anticipatory bail, the Petitioner Nos.2, 3 and 4 are at liberty to surrender before the learned J.M.F.C., Jajpur Road in Kalinga Nagar P.S. Case No.208 of 2022 corresponding to C.T. Case No.1278 of 2022 within three weeks' hence and move for bail. In such event the learned court in seisin over the matter shall consider the bail application of the Petitioners 2, 3 and 4 in the first hour of the day, strictly on the basis of the materials available on record in its own merit.

6. In case of rejection of the bail application by the learned court, the Petitioners 2, 3 and 4 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 material available on record. Case diary be made available to the learned courts below as soon as possible to facilitate disposal of the bail application of the Petitioners on the same day.

7. Ground of parity, if canvassed shall be examined by the court below if the Petitioner are in the same footing. While dealing with the bail application of the Petitioners on merit the court shall not be influenced by the observations, if any of this court, not even presuming the direction of this court to be in affirmative.

8. The ABLAPL is disposed of.

(Chittaranjan Dash)
Judge