

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14423 of 2022

Sagar Paikaray

....

Petitioner

Mr. Abhaya Kumar Parida, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Debasish Biswal, A.S.C.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

18.11.2022

Order No.

02. 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 apprehension of arrest for his alleged involvement in the offence U/s. 379/411/34, I.P.C. and Section 51(1)(i) of the OMMC Rules, in connection with Delanga P.S. Case No.310 of 2022 corresponding to G.R. Case No.847 of 2022 pending in the court of learned J.M.F.C., Pipili.
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 in the event the Petitioner chooses to surrender before the learned S.D.J.M., Titilagarh in the aforesaid G.R. Case during the first hour within three weeks hence and move for bail, the learned Magistrate 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 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. In case more than one criminal antecedent is noticed, then the present order shall not be given effect to and the court shall be free to deal with application on its own merit.

6. The ABLAPL is disposed of accordingly.

(*Chittaranjan Dash*)
Judge