

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14444 of 2022

***Sanu Rouotray @ Manu @
Sankara Routaray***

.... Petitioner

Mr. A.S. Paul, Advocate

-versus-

State of Odisha

.... Opp. Party
Mr. Debasis Biswal, ASC

**CORAM:
JUSTICE CHITTARANJAN DASH**

**ORDER
21.11.2022**

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.379/34 IPC read with Section 51 OMMC Rules.
3. Learned counsel for the Petitioner submits that the present Petitioner alleged to have supported the illegal extraction of the laterite stone from illegal quarry. On the contrary, having regard to the nature of offence, the gravity and seriousness and the availability of the Petitioner Investigating agency has not resorted to Section 41A Cr.P.C.
4. 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 is at liberty to surrender before the learned S.D.J.M., Khurda in Begunia P.S. Case No.271 of 2022 corresponding to G.R. Case No.1728 of 2022 within three weeks' from today and moves for bail, the 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.

5. 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 without being influenced by observations of this court or even presuming the direction to be in affirmative. 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.

6. The ABLAPL is disposed of.

(Chittaranjan Dash)
Judge