

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14475 of 2022

Santosh Bhoi and others

....

Petitioners

Mr. M.K. Panda, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. M.K. Mohanty, ASC

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

22.11.2022

Order No.

- 01.
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 anticipation of arrest for their alleged involvement in the offences U/s.363/366/376(2)(n)/506/34 IPC.
 3. Learned counsel for the Petitioners submits that the principal accused, namely, Dipak, having taken into custody since been released on bail. The preliminary charge sheet has been submitted in connection with this matter and it is submitted that the present Petitioners have been arrayed in the offence under Sections 363/366/34 IPC.
 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 Petitioners are at liberty to surrender before the learned S.D.J.M., Dharamgarh in Dharamgarh P.S. Case No.138 of 2022 corresponding to C.T. Case No.373 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 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 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.

6. Ground of parity, if canvassed by the learned counsel for the Petitioners, may be taken into consideration by the learned courts below as per law, while dealing with the bail application of the Petitioner on merit not being influenced by the observations, if any of this court, not even presuming the direction of this court to be in affirmative. The ABLAPL is disposed of.

(Chittaranjan Dash)
Judge

KC Bisoi