

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14501 of 2022

Bhojraj Nanda @ Bhojraj Suna ***Petitioner***
Mr. U.R. Jena, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. M.K. Mohanty, ASC

CORAM:
JUSTICE CHITTARANJAN DASH

ORDER
23.11.2022

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.341/323/427/307/506/34 IPC read with Section 3 of the MSP & MSI (Prevention of Violence and Damage of Property) Act.
 3. Learned counsel for the Petitioner submits that some of the co-accused persons have since been released on bail.
 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., Bolangir in Bolangir Town P.S. Case No.342 of 2020

corresponding to G.R. Case No.1052 of 2020 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 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 Petitioner 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 Petitioner, 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