

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14602 of 2022

Dipti Ranjan Sahoo & another

....

Petitioners

Mr. S. Khan, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. S. Patra, A.S.C.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

29.11.2022

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 apprehension of arrest for their alleged involvement in the offences U/s. 341/294/307/506/34 of IPC.
3. Keeping in view the submission of the parties and having gone through the nature of allegations as emerged from the material on record and further 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., Kamakhya Nagar in Kamakhya Nagar P.S case No. 249 of 2022 corresponding to G.R Case No. 471 of 2022 within three weeks' from today and move for bail, 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 on its own merit.

4. In case of rejection of the bail application by the learned court, the Petitioners 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.

5. It is made clear that the learned court below shall not be influenced by any of the observations of this Court made herein above in any manner and shall no way presume this direction to be for grant of bail in affirmative.

6. Court has to apply its own wisdom in dealing with the application for bail.

7. 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.

8. It is made clear that the learned Court below shall verify the criminal antecedent of the Petitioners, if necessary by admitting the Petitioners to bail provisionally till the information is received and in case more than one antecedent is noticed, the order of this Court shall not be given effect to and the court shall be free to deal with matter of bail according to its merit without further referenced to the present. The ABLAPL is disposed of.

(Chittaranjan Dash)
Judge

B.K Sahoo