

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14753 of 2022

Fuldeo Toppo

....

Petitioner

Mr. P.K Nayak, Advocate

-versus-

State of Odisha

....

Opp. Party

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

CORAM:

JUSTICE CHITTARANJAN DASH

Order No.

ORDER
02.12.2022

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 apprehension of arrest for his alleged involvement in the offences U/s. 4/12/14 of Odisha Timber & other Forest Transit Rule, 1980.
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 petitioner is at liberty to surrender before the learned Civil Judge-cum J.M.F.C., Biramitrapur in Rourkela Forest Division, Raiboga Section O.R Case No. 152 of 2022-23 corresponding to 2(b)CC Case No. 16 of 2022 within three weeks' from today and moves for bail 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.

4. 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.

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

7. It is also made clear that the learned Court below shall verify the criminal antecedent of the Petitioner 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.

8. The ABLAPL is disposed of.

(Chittaranjan Dash)
Judge

B.K Sahoo/AKPradhan