

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14795 of 2022

Litu Mahalik & another

....

Petitioners

Mr. Dayanidhi Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

05.12.2022

Order No.

01. 1. Heard the learned counsel for the Petitioners and the State.
2. By means of this application, the Petitioners seek grant of bail U/s.438 Cr.P.C. in apprehension of arrest for their alleged involvement in the offence U/s. 448/323/294/506/34, I.P.C. in connection with Rasol P.S. Case No.180 of 2022 corresponding to G.R. Case No.552 of 2022 pending in the court of learned S.D.J.M., Hindol.
3. Learned counsel for the Petitioners submits that Petitioner No.1 – Litu Mahalik has been arrested and released on bail in the meantime. Therefore, he does not press the bail application in respect of Petitioner No.1. In view of such submission, the ABLAPL is dismissed as not pressed so far as Petitioner No.1 is concerned.
4. So far as Petitioner No.2 – Lipu Mahalik @ Lalatendu Mahalik is concerned, keeping in view the nature and seriousness of the allegation, gravity of the offence and the facts of the case, while this

Court is not inclined to grant anticipatory bail, it is directed that Petitioner No.2, if so chooses, may surrender before the learned S.D.J.M., Hindol in the aforesaid G.R. Case during the first hour within three weeks from today and move for bail. In such event, the learned Magistrate shall consider the bail application of Petitioner No.2 in the first hour of the day itself, strictly on the basis of the materials available on record.

5. In case of rejection of the bail application by the learned Magistrate, Petitioner No.2 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 No.2 on the same day on its own merit, strictly on the basis of the materials available on record, without being influenced by any observation made herein by this Court or even presuming it to be a direction in affirmative.

6. Case Diary be transmitted and made available to the learned courts below, at the cost of the Petitioner, as soon as possible to facilitate disposal of the bail application of Petitioner No.2 on the same day itself.

7. Ground of parity, if canvassed by the learned counsel for the Petitioners, may be taken in to consideration by the learned courts below, while dealing with the bail application of Petitioner No.2

8. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge