

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14820 of 2022

Nityananda Palai and another ***Petitioners***
Mr. B.R. Dalai, Advocate

-versus-

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

CORAM:
JUSTICE CHITTARANJAN DASH

ORDER
06.12.2022

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 o/f arrest for their alleged involvement /in the offences U/s.147/148/341/294/323/307/353/506/149 IPC.
3. Learned counsel for the Petitioner submits that the principal accused Susanta Palai having arrested has 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 Petitioners are at liberty to surrender before the learned J.M.F.C.(P), Kujanga in Kujanga P.S. Case No.428 of 2022

corresponding to Special G.R. Case No.1122 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 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 strictly on the basis of the material available on record. 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.

6. Ground of parity, if canvassed by the learned counsel for the Petitioners, may be taken into consideration strictly examining the petitioner is in the same footing. The learned courts below while dealing with the bail application of the Petitioners on merit shall not be 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