

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 14977 of 2022

Mani @ Manibhadra Mahalik* *Petitioner

Ms. Madhumita Naik, Advocate

-versus-

State of Odisha* *Opp. Party

Mr. Debasis Biswal, ASC

**CORAM:
JUSTICE CHITTARANJAN DASH**

**ORDER
09.12.2022**

Order No.

01. 1. Heard learned counsel for the Petitioner and for 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. 448/341/323/294/354(A)/506/34 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 petitioner is at liberty to surrender before the learned JMFC(R), Balasore in Khantapada PS Case No. 344 of 2017 corresponding to CT Case No. 1791 of 2017 within three weeks from today 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.

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. Ground of parity, if canvassed by the learned counsel for the Petitioner, shall be taken into consideration by the learned court below while considering the bail application of the Petitioner.

8. The ABLAPL is disposed of.

(Chittaranjan Dash)
Judge

B.K Sahoo/AK Pradhan