

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15165 of 2022

Deepak Behera

....

Petitioner

Mrs. Rajalaxmi Biswal, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. Debasis Biswal, ASC

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

14.12.2022

Order No.

- 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.379/294/34 IPC.
 3. Learned counsel for the Petitioner submits that the principal accused Naresh Behera having taken into custody has since been released on bail. The present Petitioner is his son who allegedly involved in the offence under Section 379 IPC for having committed theft of the paddy has been arrayed in this case.
 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 Petitioner is at liberty to surrender before the learned S.D.J.M.,

Talcher in Kaniha P.S. Case No.300 of 2022 corresponding to G.R. Case No.2669 of 2022 within three weeks' hence 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.

5. 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 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 Petitioner on the same day.

6. Ground of parity, if canvassed by the learned counsel for the Petitioner, 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 Petitioner 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

KC Bisoi