

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15187 of 2022

Mamata Sundaray and another ***Petitioners***
Mr. B.B. Barik, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. Debasis Biswal, ASC

CORAM:
JUSTICE CHITTARANJAN DASH

Order No.

ORDER
15.12.2022

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 of arrest for their alleged involvement in the offences U/s.294/341/323/506/34 IPC.
3. This court has reservation in entertaining such matters in anticipatory bail. This ought to have been agitated before the court in seisin over the matter. Be that as it may, while this Court is not inclined to grant anticipatory bail, the Petitioners are at liberty to surrender before the learned S.D.J.M., Bhubaneswar in Dhauli P.S. Case No.219 of 2022 corresponding to C.T. Case No.6864 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.

4. 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, if there be no legal impediment 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. The ABLAPL is disposed of.

(Chittaranjan Dash)
Judge

KC Bisoi

