

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15567 of 2021

1. Abdul Kausher **Petitioners**
2. S.K. Alam

Mr. S.K. Jena, Advocate

-versus-

State of Odisha **Opp. Party**

Mr. A.K. Beura,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

04.01.2022

Order No.

02.

This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).

Heard learned counsel for the petitioners and learned counsel for the State.

This is an application under section 438 of Cr.P.C. for grant of anticipatory bail to the petitioners in connection with Malgodown P.S. Case No.244 of 2021 pending in the court of learned S.D.J.M., Cuttack for alleged commission of offences under sections 341/323/363/395/294/354 of the Indian Penal Code.

Learned counsel for the petitioners submits that similarly situated co-accused has already been released on bail by this Court and the petitioners may be permitted to surrender in the Court below and move for bail and the

claim of parity may be taken into account while adjudicating the bail application.

Learned counsel for the State has no objection to such prayer.

Considering the submissions made by the learned counsel for the respective parties, while not inclining to grant anticipatory bail to the petitioners, I direct that in the event the petitioners surrender before the learned Court below within a period of four weeks from today and move for bail, the same shall be considered in accordance with law expeditiously and while disposing of the bail application, the learned Court below shall consider the claim of parity with the co-accused person, who is stated to have been released on bail. The case records shall be made available to the Court concerned.

The ABLAPL stands disposed of.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge