

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 15247 of 2022

Sudam Maharna

....

Petitioner

Mr. J.K. Majhi Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. D. Biswal, ASC

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

16.12.2022

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. 272/273/34 of IPC and Section-52(a) of Odisha Excise Act.
 3. Learned counsel for the Petitioner submits that the present Petitioner stands to the same footing since the co-accused has been released on bail in this case.
 4. 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 S.D.J.M., Balesore in Chandipur P.S. Case No.82 of 2021 corresponding to C.T. Case No.853 of 2021 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.

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.

6. The 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.

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. It is made clear that the learned Court below shall verify the criminal antecedent of the Petitioner. In case more than one antecedent is noticed, the order of this Court shall not be given effect to and the court shall be free to deal with matter of bail according to its merit without further reference to the present.

9. Court has to apply its own wisdom in dealing with the application for bail.

10. The ABLAPL is disposed of.

(Chittaranjan Dash)
Judge