

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15633 of 2021

Kalimuddin Saha* *Petitioner

Mr. P.C. Jena, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. J.P. Patra,
Addl. Standing Counsel*

CORAM:

JUSTICE S.K. SAHOO

ORDER

04.01.2022

Order No.

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

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

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with C.T. Case No.51 of 2021 arising out of Talasari Marine P.S. Case No.93 of 2021 pending in the Court of learned Gramya Nyayalay -cum- J.M.F.C., Bhograi for alleged commission of offences under sections 457/376/294/506 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the petitioner submitted that in view of the medical documents of the petitioner

annexed to the anticipatory bail application, an improbable and a concocted story has been mentioned in the first information report and therefore, the anticipatory bail application of the petitioner may be favourably considered.

Learned counsel for the State opposed the prayer for bail.

Since the defence plea is to be adjudicated by the learned trial Court at the appropriate stage, it would not be proper at this stage to consider the same while adjudicating prayer for anticipatory bail.

In view of the nature and gravity of the accusation against the petitioner, while not inclining to grant anticipatory bail to the petitioner, I direct that in the event the petitioner surrenders and moves for bail before the learned Court below, the same shall be considered in accordance with law. The case records shall be made available to the Court concerned.

The ABLAPL stands disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

RKM