

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15650 of 2021

1. Rahas @ Bauri Samal

2. Purna Jena

3. Baistamba Sahu

4. Benudhar Jena

.... Petitioners

Mr.J. Behera, 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 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 Nayagarh Sadar P.S. Case No.175 of 2021 corresponding to G.R. Case No.706 of 2021 pending in the court of learned S.D.J.M., Nayagarh for alleged commission of offences under sections 294/342/323/506/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that

some of the co-accused persons have already been released on bail by the learned S.D.J.M., Nayagarh and he has annexed the copy of the bail order to this application under Annexure-2. He further submitted that 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 fifteen days 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 persons, who are 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

