

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15340 of 2022

***Manmath Tarei @ Mohan and
another***

Petitioners

Mr. J.K. Majhi, Advocate

-versus-

State of Odisha

Opp. Party

Mr. T.K. Pattanaik, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

19.12.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

An oral prayer, learned counsel for the petitioners is permitted to make necessary correction so far as the name of the court is concerned in Court today.

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

3. The petitioners are seeking pre-arrest bail in connection with C.T. Case No.556 of 2022 arising out of Chandipur P.S. Case No.57 of 2022, pending in the court of learned J.M.F.C.(C), Balasore for commission of offences punishable under Sections 272/273/34, I.P.C. read with Section 52(a) of Odisha Excise Act.

4. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the petitioners.

5. However, on the submission of the learned counsel, the petitioners are given liberty to surrender before the learned

J.M.F.C.(C), Balasore in the aforesaid case in the first hour within 21 working days hence and move for bail. On such event, the learned Magistrate shall consider his application for bail in the first hour strictly on the basis of the materials on record. In case of rejection of the bail application, the petitioners may move for bail before the higher forum in the second hour. On such event, the higher forum shall consider and dispose of the bail application of the petitioners on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

6. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the petitioners, if applied for.

7. The ABLAPL is accordingly disposed of.

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

