

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15344 of 2022

Bhola Suna and others

....

Petitioners

Mr. S. Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

25..01.2023

I.A. No.36 of 2023

Order No.

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioner as well as learned counsel for the State.
 3. In view of the submissions made, the order dated 19.12.2022 is hereby recalled. Accordingly, the I.A. stands allowed.

(A.K. Mohapatra)
Judge

ABLAPL No.15344 of 2022

- 04.
4. Heard.
 5. The petitioners are seeking pre-arrest bail in connection with C.T. Case No.3043 of 2022 arising out of Jarsuguda P.S. Case No.676 of 2022, pending in the court of learned S.D.J.M.,

Jharsuguda for commission of offences punishable under Sections 341/323/294/506/307/34, I.P.C.

6. It is submitted by learned counsel for the petitioners that on similar footing with the present petitioners, another co-accused has already been on bail by this Court vide order dated 19.12.2022 in ABLAPL No.15319 of 2022.

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

8. However, on the submission of the learned counsel, the petitioners are given liberty to surrender before the learned .D.J.M., Jharsuguda 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 their 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.

9. 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.

10. Four weeks' further time from today is extended for the petitioners to surrender before the learned court below, vide order dated 19.12.2022 passed in ABLAPL No.15344 of 2022, but subject to depositing cost of Rs.500/- (Rupees five hundred) in the Advocates' Welfare Fund of Orissa High Court Bar Association within fifteen days and furnishing money receipt thereof in proof of deposit.

11. It is made clear that, if the cost is not deposited within the stipulated time, time extended for the petitioners to surrender shall stand revoked automatically.

12. The ABLAPL is accordingly disposed of.

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

(A.K. Mohapatra)
Judge

Jagabandhu

