

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15602 of 2022

Susanta Khuntia and another

..... Petitioners
Mr. G.R. Dhal, Advocate

-versus-

State of Odisha

..... Opp. Party
Mr. T.K. Pattnaik, ASC

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
20.12.2022

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
 2. Heard learned counsel for both the parties and perused the records.
 3. The Petitioners are seeking pre-arrest bail in connection with Laxmisagar P.S. Case No.364 of 2022, corresponding to C.T. Case No.6161 of 2022, pending in the court of learned J.M.F.C.-IV, Bhubaneswar, registered for alleged commission of offences punishable under Sections 294/506/420/34 of the I.P.C.
 4. Since the Petitioner No.1-Susanta Khuntia is stated to have already been arrested, the application for pre-arrest bail in respect of him is dismissed as infructuous.
 5. It is submitted by the learned counsel for the Petitioners that one of the co-accused, namely, Prasanta Khuntia, has already been released on bail in the meanwhile.
 6. Considering the submission made, it is observed that if the

Petitioner No.2-Narayan Khuntia surrenders before the learned J.M.F.C.-IV, Bhubaneswar in the aforesaid case in the first hour within 21 working days hence and moves for bail, 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 Petitioner No.2 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 Petitioner No.2 on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

7. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the Petitioner No.2, if applied for.

8. The ABLAPL is accordingly disposed of.

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

(A.K. Mohapatra)
Judge