

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15768 of 2022

Abhimanyu Behera

....

Petitioner

Mr. D. Mohanta, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. Debasis Biswal, ASC

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

22.12.2022

Order No.

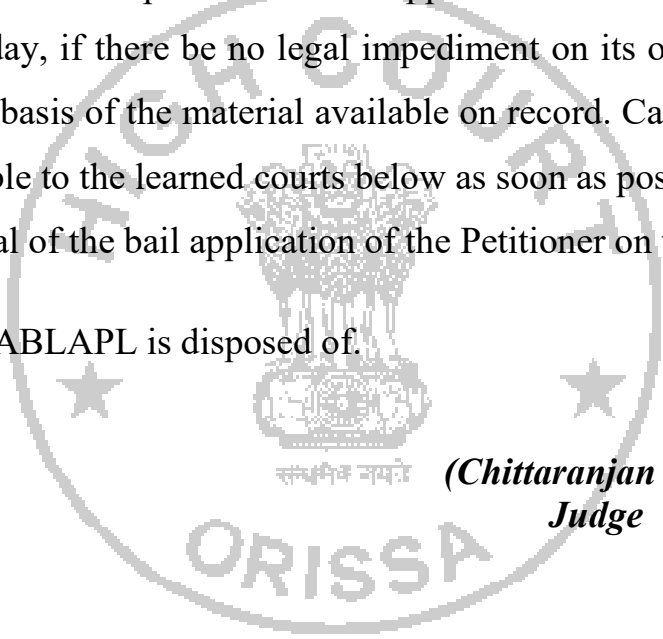
02.

1. Heard learned counsel for the Petitioner and the State.
2. This is an application for bail U/s.438 Cr.P.C. filed by the Petitioner in apprehension of arrest for his alleged involvement in the offences U/s.294/323/341/506/34 IPC.
3. Learned counsel for the Petitioner submits that pursuant to the shifting of the siding of the materials by IFFCO there ensued a fight between two groups resulting case and counter case. As reveals from the FIR, there appears injuries to the informant side. It is further submitted that the co-accused persons having taken into custody have since been released on bail.
4. Keeping in view the aforesaid facts, the circumstances appearing and the gravity of offence, while this Court is not inclined to grant anticipatory bail, it is directed that if the Petitioner chooses to surrender before the learned J.M.F.C.(P), Kujanga in Paradeep P.S.

Case No.397 of 2022 corresponding to G.R. Case No.1218 of 2022 within three weeks' hence and moves for bail, the learned court in seisin over the matter shall consider the bail application of the Petitioner in the first hour of the day, strictly on the basis of the materials available on record in its own merit.

5. In case of rejection of the bail application by the learned court, the Petitioner may move for bail before the higher forum in the second hour of the same day. In that event, the higher forum shall consider and dispose of the bail application of the Petitioner on the same day, if there be no legal impediment on its own merit strictly on the basis of the material available on record. Case diary be made available to the learned courts below as soon as possible to facilitate disposal of the bail application of the Petitioner on the same day.

6. The ABLAPL is disposed of.

The seal of the Orissa High Court is a circular emblem. It features the State Emblem of India at the top center, which is a four-lion capital of an abacus. Below the emblem, the text 'संयुक्त न्याये' (Sanyukt Nyaye) is written in Devanagari script. The word 'ORISSA' is written in large, bold, capital letters at the bottom. Two five-pointed stars are positioned on either side of the central text and emblem.

संयुक्त न्याये

(Chittaranjan Dash)
Judge