

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15856 of 2022

Sumit Bachha

....

Petitioner

Mr. A.K. Sahoo, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. P.K. Rout, AGA

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.12.2022

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 Petitioner is seeking pre-arrest bail in connection with Khariar P.S. Case No.440 of 2022, corresponding to C.T. Case No.430 of 2022, pending in the court of learned J.M.F.C., Khariar, registered for alleged commission of offences punishable under Sections 457/380 of the I.P.C.
 4. It is submitted by the learned counsel for the Petitioner that since the principal accused, namely, Nilambar Sabar, from whom possession the stolen articles have been recovered, has already been released on bail by the court below. As such, the Petitioner may be released on pre-arrest bail.
 5. Considering the facts of the case, this Court is not inclined to grant pre-arrest bail to the Petitioner.

6. However, on the submission of the learned counsel, the Petitioner is given liberty to surrender before the learned J.M.F.C., Khariar 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 Petitioner 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 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, 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