

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15897 of 2022

Suman Adhikari and another

Petitioners

....

Mr.K.C.Dash,Advocate

-versus-

State of Odisha

....

Opposite Party

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

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 the Petitioners, learned Addl. Standing Counsel for the State. Perused the records.
3. The Petitioners are apprehending their arrest for the alleged commission of offence under Sections 498-A, 294, 354, 494, 506/34 of the Indian Penal Code in G.R.Case No.1313 of 2022 arising out of Marine P.S.Case No.76 of 2022 of the Court of the learned S.D.J.M., Kendrapara.
4. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioner No.1.
5. However, on the submission of the learned counsel, Petitioner No.1 is given liberty to surrender before the learned S.D.J.M., Kendrapara 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 No.1 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.

6. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the Petitioner No.1, if applied for.

7. Considering the seriousness of the allegation, gravity of the offence and the facts of the case, although I am not inclined to grant anticipatory bail to the Petitioner No.2, however it is observed that, in the event the Petitioner No.2 surrenders and moves for bail before the learned S.D.J.M., Kendrapara G.R.Case No.1313 of 2022 arising out of Marine P.S.Case No.76 of 2022 within a period of three weeks from today, he shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper in the facts and circumstances of the case.

8. The ABLAPL is disposed of accordingly.

9. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge