

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15901 of 2022

Yudhistira Biswl & others

....

Petitioners

Mr.Basudev Barik,Advocate

-versus-

State of Odisha

....

Opp. 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 and the learned Additional Government Advocate.
 3. The Petitioners are apprehending his arrest for the alleged commission of offence under Sections 341,323,294,307/34 of the Indian Penal Code in G.R.Case No.860 of 2022 arising out of Ersama P.S.Case No.425 of 2022 pending in the Court of the learned J.M.F.C., Ersama.
 4. It is submitted by the learned counsel for the Petitioners that one co-accused Bijay Biswal @ Biju has been released on bail by the learned Additional Sessions Judge, Kujang in BLAPL No.543 of 2022 on 19.12.2022.
 5. Considering the facts of the case, this Court is not inclined to

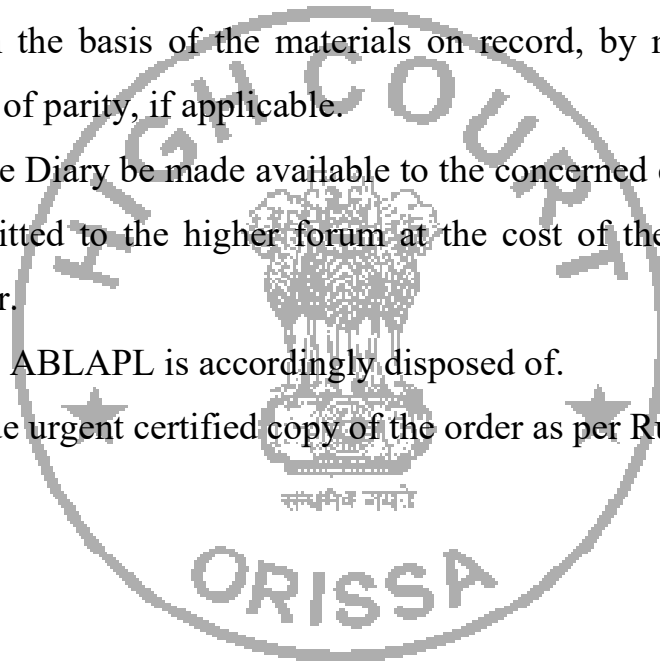
grant anticipatory bail to the Petitioners.

6. However, on the submission of the learned counsel, the Petitioners are given liberty to surrender before the learned J.M.F.C., Ersama 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.

7. 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.

8. The ABLAPL is accordingly disposed of.

9. Issue urgent certified copy of the order as per Rules.



(A.K. Mohapatra)
Judge