**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL No.13707 of 2024**

***Ukil Kahanra @ Okila Kanhar*** **.....** ***Petitioner***

Represented By Adv. –
Mr. Sarat Kumar Jena

*-versus-*

***State Of Odisha*** **.....** ***Opposite Party***

Represented By Adv. –

Mr. S.K. Parhi, ASC

**CORAM:**
**THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA**

**ORDER**
**05.12.2024**

**Order No.**

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel appearing for the State-Opposite Party.

3. The present application has been filed under Section 438 of Cr.P.C. by the Petitioner seeking pre-arrest bail in connection with Kantamal P.S. Case No.138 of 2020, corresponding to C.T. Case No.249 of 2020, pending in the court of learned J.M.F.C., Kantamal, for alleged commission of offence punishable under Section 392 of I.P.C.

4. Considering the facts of the case, this Court is not inclined to grant pre-arrest bail to the Petitioner.

5. However, on the submission of the learned counsel for the Petitioner, the Petitioner is directed to surrender before the learned J.M.F.C., Kantamal 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.

6. Case Diary be made available to the concerned courts on an application filed prior to surrender of the Petitioner before the court below. Records be transmitted to the higher forum at the cost of the Petitioner, if applied for.

7. The ABLAPL is, accordingly, disposed of.

Issue urgent certified copy of this order as per Rules.

***( Aditya Kumar Mohapatra)***
***Judge***

Debasis

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Reason: Authentication
Location: ORISSA HIGH COURT
Date: 06-Dec-2024 11:38:24