

ABLAPL No.15617 of 2015
29.01.2016

Heard learned counsel for the petitioner and learned Addl. Standing Counsel.

The petitioner is apprehending arrest for the alleged commission of offence under Sections 341, 294, 324, 354, 354-A, 307 and 506/34 of the IPC in G.R. Case No.52/2015 of the court of learned JMFC, Pattamundai, arising out of Pattamundai P.S. Case No.52/2015.

In course of hearing, the learned counsel for the petitioner wants to withdraw the anticipatory bail application with a liberty to surrender before the lower court and apply for bail so that his bail application shall be considered and disposed of by the court having jurisdiction to do so.

In that view of the matter, the ABLAPL is disposed of as withdrawn.

The petitioner is given liberty to surrender before the learned JMFC, Pattamundai 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. Case Diary be made available to the concerned court. Records be transmitted to the higher forum at the cost of the petitioner, if applied for. The court below shall keep in mind the principles of parity, if applicable while disposing of the bail application.

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

pcd

S.K. Mishra, J.

24.06.2011 In the interim case No. 872 of 2011 at the petitioner no.2 shall not be disengaged only on the basis of attaining the age of 60 till the next date.

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

S.K. Mishra, J.