

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

**ABLAPL No.2158 of 2023**

***Jadu @ Ratnakar Rout***

.... ***Petitioner***  
*Mr. S.N. Mishra-4, Advocate*

***-versus-***

***State of Odisha***

.... ***Opposite Party***  
*Mr. S.R. Roul, A.S.C.*

**CORAM:  
JUSTICE CHITTARANJAN DASH**

**ORDER**  
**31.03.2023**

**Order No.**

02. 1. Heard learned counsel for the Petitioner and the State.
2. This is an application for bail U/s.438 Cr.P.C. filed by the Petitioner in apprehension of arrest for his alleged involvement in the offences U/s. 379/411/34, I.P.C. in connection with Naikandihi P.S. Case No.16 of 2023 corresponding to G.R. Case No.64 of 2023 pending in the court of the learned J.M.F.C., Basudevpur.
3. Learned counsel for the Petitioner submits that the Petitioner has one criminal antecedent to his credit, but the same is of the year 2010.
4. Having regard to the submission of the learned counsel for the petitioner, nature of the allegations as emerged from the materials on record, the circumstances appearing and the seriousness and gravity of the offences, while this Court is not inclined to grant anticipatory bail, it is directed that the Petitioner if so chooses may surrender before the learned J.M.F.C., Basudevpur in the aforesaid G.R. Case No.64 of 2023 during the first hour within three weeks from today

and move for bail. In such event, the learned Magistrate shall consider the bail application of the Petitioner in the first hour of the day itself, strictly on the basis of the materials available on record. In case of rejection of the bail application by the learned Magistrate, the Petitioner may move for bail before the higher forum in the second hour of the same day. In that event, the higher forum shall consider and dispose of the bail application of the Petitioner on the same day on merit, as far as possible if there be no other legal impediment strictly on the basis of the materials available on record without being influenced by any observation made herein by this Court or presuming it to be a direction in affirmative.

5. However, this order is subject to the condition that the Petitioner does not have more than one antecedent besides the present one.

6. The Case Diary be made available to the learned courts below as far as possible to facilitate disposal of the bail application of the Petitioner on the same day itself. However, the learned courts shall apply their own wisdom in dealing with the application for bail keeping in view of gravity of punishment and severity of punishment.

7. The ABLAPL is disposed of accordingly.

**(Chittaranjan Dash)**  
**Judge**