

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3856 of 2023

Bidyut Chandan Dash & another ***Petitioners***
Mr. Jyotirmaya Sahoo, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. Debasish Biswal, A.S.C.

**CORAM:
JUSTICE CHITTARANJAN DASH**

Order No.

**ORDER
30.06.2023**

03.

1. Heard the learned counsel for the Petitioners and the State.
2. By means of this application, the Petitioners seek grant of bail U/s.438 Cr.P.C. in apprehension of arrest for their alleged involvement in the offences U/s. 341/506/307/34, I.P.C. in Golanthara P.S. Case No.180 of 2023 corresponding to G.R. Case No.603 of 2023 pending in the court of the learned J.M.F.C. (R), Berhampur.
3. From the Injury Report as placed by the learned counsel for the State it reveals that the injured has received six incised wounds to the scapula, shoulder and other aspects of his body. The Doctor opined that the injuries might have been caused by sharp object.
4. It is submitted by the learned counsel for the Petitioners that the Petitioner No.1 is the Principal of Omm Bhurbhuvashwah Higher Secondary School, Konisi in the district of Ganjam, which prima facie does not commensurate with the conduct of Petitioner No.1.
5. Having regard to the facts and circumstances of the case, nature of the allegations against the Petitioners, the seriousness and gravity of

the offences, while this court is not inclined to grant anticipatory bail, it is directed that the Petitioners if so choose may surrender before the learned J.M.F.C. (R), Berhampur in G.R. Case No.603 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 Petitioners 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 Petitioners 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 Petitioners on the same day on merit, 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.

6. However, this order is subject to verification of criminal antecedents of the Petitioners.

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

8. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge

Signature Not Verified

Digitally Signed by: SAMIR KUMAR PARIDA
Designation: Asst. Registrar-cum-Sr. Secretary
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 30-Jun-2023 20:10:31