

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.4112 of 2023

Sanatosh Kumar Jena

....

Petitioner

Mr. Anirudha Das, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Debasish Biswal, A.S.C.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

30.06.2023

Order No.

- 03.
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. 341/323/324/326/307/386/387/506/34, I.P.C. and Sections 25 & 27 of the Arms Act in connection with Baselisahi P.S. Case No.102 of 2023 corresponding to G.R. Case No.309 of 2023 pending in the court of the learned S.D.J.M., Puri.
 3. The case record reveals that the present Petitioner is the main assailant whereupon the informant received injuries to his head, which is a vital part of the body.
 4. Having regard to the submission of the learned counsel for the petitioner as well as the State, nature of allegations as emerged from the materials on record, the circumstances appearing, 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 S.D.J.M., Puri in G.R. Case No.309 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, 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. 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.

6. This order is subject to verification of criminal antecedents of the Petitioner. The learned courts shall apply their wisdom in dealing with the application in allowing or rejecting the application for bail keeping in view the gravity of the offence and the severity of punishment. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge

S.K.Parida

Signature Not Verified

Digitally Signed
Signed by: SAMIR KUMAR PARIDA
Designation: Asst. Registrar-cum-Sr. Secretary
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 30-Jun-2023 20:10:32