

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 7867 of 2023

Subham Pad Mohanty

....

Petitioner

Mr. B. K. Mahapatra, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. Shashanka Patra, A.S.C.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

05.09.2023

Order No.

01.

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.341/294/323/325/427/379/506/34 of IPC.
3. It is submitted by learned counsel for the Petitioner that the father of the Petitioner having detained in custody have since been released on bail. According to learned counsel for the Petitioner, the present Petitioner is a college going student though no such documents have been filed in support of this contention, nothing has also been mentioned as to in which college or what is the nature of the education he is prosecuting with.
4. Learned counsel for the State submits that the injury suffered by the injured is grievous in nature.
5. Keeping in view the submission of the parties and having gone through the nature of allegations as emerged from the material on

record and further the circumstances appearing, the seriousness and gravity of the offences, while this Court is not inclined to grant anticipatory bail, the petitioner is at liberty to surrender before the learned S.D.J.M., Bolangir, in connection with Bolangir Town P.S. case No.345 of 2023 corresponding to G.R. Case No. 1006 of 2023 within three weeks from today and moves for bail the learned court in seisin over the matter shall consider the bail application of the Petitioner in the first hour of the day, strictly on the basis of the materials available on record in its own merit.

6. In case of rejection of the bail application by the learned court, 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 its own merit.

7. Case diary be made available to the learned courts below as far as possible to facilitate disposal of the bail application of the Petitioner preferably on the same day, if there be no other legal impediment.

8. In any case, the court shall apply its wisdom in dealing with the application for bail in allowing or rejecting it. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge

B.K Sahoo