



IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2310 of 2025

1) Asit Moharana

.....

Petitioners

2) Duryadhan Barik @ Dhana

Represented By Adv. -
Siddharth Goutam Das

-versus-

State Of Odisha

.....

Opposite Parties

Smt. S. Nayak, ASC

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

25.03.2025

Order No.

- 01.
1. This matter is taken up through Hybrid mode.
 2. Heard learned counsel for the Parties and perused the records.
 3. The Petitioners apprehending his arrest in Sahidnagar P.S. Case No.485 of 2024, corresponding to C.T. Case No.1296 of 2024, pending in the Court of learned J.M.F.C.-III, Bhubaneswar, registered for alleged commission of offences punishable under Sections 351(2), 326(f), 115(2), 296, 324(5), 190, 191(3) of BNS read with Sections 4 & 5 of Explosive Substance Act.
 4. Considering the facts of the case, this Court is not inclined to grant pre-arrest bail to the Petitioner No.2. However, on the submission of the leaned counsel, the Petitioner No1 is given liberty



to surrender before the learned J.M.F.C.-III, Bhubaneswar, 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 No.2 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 No.2 on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the Petitioner No.2, if applied for.

5. So far the Petitioner No.1 is concerned, it is stated by learned counsel for the Petitioners that the co-accused person has already been released on bail in the meantime in ABLAPL No.14519 of 2024. He further contended that the Petitioner No.1 does not have any criminal antecedents and that he belongs to the locality, therefore, there is no chance of his absconding.

6. It is further considering the nature of allegation, gravity of offence and the facts and circumstances of the case, I am not inclined to grant pre-arrest bail to the Petitioner No.1. However, it is directed that in the event the Petitioner No.1 surrenders before the Court in seisin over the matter within a period of four weeks from today and moves an application for bail, the Court in seisin over the matter shall release him on bail in connection with the aforesaid case on such terms and conditions as it may deem just and proper in the facts and circumstances of the case, but subject to verification of



criminal antecedent of the Petitioner No.1 and injury report of the injured. In the event, the injuries sustained by the injured are found grievous in nature and the Petitioner No.1 is having any criminal antecedents, then this order stands automatically revoked. Violation of any of the terms and conditions shall entail cancellation of bail

7. The ABLAPL is accordingly disposed of.

Issue urgent certified copy of this order as per Rules.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout

Signature Not Verified
Digitally Signed
Signed by: SANTANU KUMAR ROUT
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 27-Mar-2025 15:49:12