

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.626 of 2022

Binu @ Binay Kumar Maharna* *Petitioner

-versus-

State of Odisha* *Opposite Party

**CORAM:
THE JUSTICE S.PUJAHARI**

**ORDER
03.02.2022**

**Order
No.**

01. 1. This matter is taken up through virtual mode.
2. The Petitioner apprehending his arrest in Chandipur P.S. Case No.91 of 2021 corresponding to C.T. Case No.970 of 2021 pending in the court of learned S.D.J.M., Balasore registered for alleged commission of offence punishable under Sections 272/273/34 IPC and Section 52(a) of the Orissa Excise Act has filed this petition for his release on pre-arrest bail.
3. Heard learned counsel for the Petitioner and learned counsel for the State.
4. Learned counsel for the Petitioner during the course of argument submits that he does not want to press this petition for pre-arrest bail. However, it is submitted that since the Petitioner intends to surrender and move for bail before the court below, direction may be given to the court below to dispose of the bail application of the Petitioner on the same day.

5. Considering the submission made, it is observed that if the Petitioner surrenders in the aforesaid case before the Court in seisin over the matter and makes a motion for bail, the Court in seisin over the matter shall consider and dispose of the bail application of the Petitioner on its own merit expeditiously on the same day. The incriminating materials collected against the Petitioner be sent by the I.O to the Court on the date of surrender, if the date of surrender intimated to him by the Petitioner. Release of the co-accused, if any, be addressed in proper perspective.

6. However, the aforesaid order should not be construed as a protection from arrest till the date of surrender.

7. The ABLAPL is, accordingly, disposed of.

8. As restrictions due to resurgence of COVID-10 situation are continuing, learned counsel for the parties may utilize a printout copy of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office order circulated vide Memo Nos.514 & 515 dated 7th January, 2022.

(S. Pujahari)
Judge