

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.655 of 2022

Subrata @ Sibabrata Swain @ Dudul ***Petitioner***

.....
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 Nayapalli P.S. Case No.513 of 2021, corresponding to C.T. Case No.6120 of 2021, pending in the court of S.D.J.M., Bhubaneswar registered for alleged commission of offences punishable under Sections 147/148/506/341/323/294/384/385/149/120-B IPC and Sections 25/27/35 of the Arms Act and Section 7 of the Criminal Law (2nd Amendment) 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 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 courts 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 in the first hour before the court of S.D.J.M., Bhubaneswar and makes a motion for bail, the learned S.D.J.M., Bhubaneswar shall consider and dispose of the same in accordance with law during the first hour. In case of rejection of the bail application, the Petitioner may move for bail before the next higher forum in the second hour and in that event, the bail application of the Petitioner shall be considered and disposed of by the higher forum in accordance with law on the same day, if there is no other legal impediment. Release of the co-accused, if any, be addressed in proper perspective.

6. Records shall be transmitted to the higher forum. Cost, if any, shall be paid by the Petitioner.

7. However, it is made clear that this order is not an impediment on the part of the police to proceed against the Petitioner in accordance with law for his apprehension before he surrenders, if the police so desired.

8. The ABLAPL is, accordingly, disposed of.

9. 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