

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.663 of 2022

Ratana Kumar Nayak ***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 Bhanjanagar P.S. Case No.567 of 2021 corresponding to G.R. Case No.1684 of 2021 pending in the court of learned S.D.J.M., Bhanjanagar registered for alleged commission of offence punishable under Sections 272/273/34 IPC and Section 52(a) of the Odisha 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 submits that since Petitioner's implication is solely on the basis of the confession of the co-accused and he having been released on bail, the Petitioner deserves to be released on pre-arrest bail.
5. Considering the facts and the submissions made and since the investigation is still continuing, this Court is not inclined to release the Petitioner on pre-arrest bail.

6. Accordingly, the prayer for pre-arrest bail of the Petitioner stands rejected. However, it is open to the Petitioner to surrender and move an application for bail before the court in seisin over the matter and in that event, 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. Release of the co-accused, if any, be addressed in proper perspective.

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

8. The ABLAPL is, accordingly, disposed of.

9. As restrictions due to resurgence of COVID-19 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