

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.666 of 2022

Rajesh Bhoi @ Chilantu Bhoi & Petitioners
others

-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 Petitioners apprehending their arrest in Kantabania P.S. Case No.139 of 2021 corresponding to G.R. Case No.1547 of 2021 pending in the court of learned S.D.J.M., Dhenkanal registered for alleged commission of offence punishable under Section 379 IPC have filed this petition for their release on pre-arrest bail.
 3. Heard learned counsel for the Petitioners and learned counsel for the State.
 4. Learned counsel for the Petitioners 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 Petitioners intend 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 Petitioners on the same day.

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

PKS