

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.679 of 2022

Manish Nayak & others ***Petitioners***

-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 Kujang P.S. Case No.5 of 2022, corresponding to G.R. Case No.10 of 2022, pending in the court of J.M.F.C (P)., Kujang, registered for alleged commission of offences punishable under Sections 294/323/307/341/506/34 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 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 courts 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 in the first hour before the court of J.M.F.C (P)., Kujang and make a motion for bail, the learned J.M.F.C (P)., Kujang shall consider and dispose of the same in accordance with law during the first hour. In case of rejection of the bail application, the Petitioners may move for bail before the next higher forum in the second hour and in that event, the bail application of the Petitioners 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. Case Diary be made available to the court concerned, if a copy of this order is given to the I.O. through registered post with A.D. by the Petitioners indicating the date of surrender.

7. Records shall be transmitted to the higher forum. Cost, if any, shall be paid by the Petitioners.

8. However, it is made clear that this order is not an impediment on the part of the Police to proceed against the Petitioners in accordance with law for their apprehension before they surrender, if the Police so desired.

9. The ABLAPL is, accordingly, disposed of.

10. 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

PKS

