

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.682 of 2022

Rupak Kumar Nayak and another* *Petitioners

-versus-

State of Odisha* *Opposite Party

CORAM: 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 Kumbharpada P.S. Case No.417 of 2021, corresponding to G.R. Case No.3493 of 2021, pending in the Court of S.D.J.M., Puri, registered for alleged commission of offences punishable under Sections 147/148/294/324/307/506/149 of the I.P.C. read with Sections 25 & 27 of the Arms Act, 1959, have filed this petition for their release on pre-arrest bail.
3. Heard the learned counsel for the Petitioners and the 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 since the Petitioners intend to surrender and move for bail before the court below. However, he submits that 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 S.D.J.M., Puri and make a motion for bail, the learned S.D.J.M., Puri 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. Case Diary be made available to the Court on the date of surrender, if intimated to the I.O. concerned.

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

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