

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 1057 of 2021

*Biswaranjan Biswal @
Biswapratap Biswal and
another*

.....

Petitioners

Mr. K. Khuntia, Advocate

Vs.

State of Odisha

.....

Opposite parties

Mr. A.K. Mishra, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

30.09.2022

Order No.

03

This matter is taken up through hybrid mode.

2. This application has been filed under Section 438 of the Cr.P.C. for release of the petitioners in anticipatory bail, in connection with Gadisogada P.S. Case No. 66 of 2016 corresponding to G.R. Case No. 2267 of 2016 pending in the court of learned S.D.J.M., Puri.

3. Earlier the petitioners have approached this Court in ABLAPL No. 19026 of 2017 and 19027 of 2019, which were disposed of vide order dated 16.01.2019 keeping in view the fact that the co-accused persons similarly situated have already been released on bail in the meantime and in the event the petitioners surrender before the learned S.D.J.M., Puri in G.R. Case No. 2267 of 2016 arising out Gadisogada P.S. Case No. 66 of 2016 and move for bail, the same shall be disposed of in the first hour, so as to enable them to move the higher forum on the same day in the event of rejection. Even though such orders were passed, the petitioners have not yet surrendered before the Court below. Therefore, for the self same relief the petitioners cannot and could not have moved this court since the anticipatory bail applications

filed by the petitioners have already been disposed of by this Court on 16.01.2019.

4. Mr. Khuntia, learned counsel for the petitioners contended that in the meantime charge-sheet has already been submitted. Once the charge-sheet has already been submitted, the ABLAPL application is not maintainable. It is open to the petitioners to pursue their remedy in accordance with law.

5. The ABLAPL application is accordingly disposed of.

Arun

(DR. B.R. SARANGI, J.)

