

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL No.1069 of 2022**

*Arun Chandra Sahoo* .... *Petitioner*

*-versus-*

*State of Odisha* .... *Opposite Party*

**CORAM: JUSTICE S.PUJAHARI**

**ORDER**  
**06.05.2022**

**Order**  
**No.**

- 02.
1. This matter is taken up through hybrid mode.
  2. The Petitioner apprehending his arrest in Salipur P.S. Case No.272 of 2018, corresponding to G.R. Case No.996 of 2018, pending in the Court of J.M.F.C., Salipur, registered for alleged commission of offences punishable under Sections 419, 420, 467, 468, 471 and 120(B) of the I.P.C., has filed this petition for his release on pre-arrest bail.
  3. Heard Mr. Soura Chandra Mohapatra, learned counsel appearing for the Petitioner and the learned counsel for the State-Opposite Party.
  4. On verification of the record, it would go to show that the Petitioner along with one Sanjib Kumar Das had

approached this Court in ABLAPL No.1688 of 2021 giving certificate that no such bail application was filed earlier. But, it appears that the co-petitioner Sanjib Kumar Das had earlier approached this Court in ABLAPL No.16009 of 2018 in the self-same case, which was disposed of as withdrawn.

5. Since the Petitioner did not give such certificate in ABLAPL No.1688 of 2021, this Court rejected his prayer for pre-arrest bail as suppression of fact. Now the present prayer has been made by the Petitioner on the ground that it was not known to him that the co-petitioner in ABLAPL No.1688 of 2021 had earlier approached this Court and, as such, the certificate was not given in the said bail application. The said mistake being a bona fide one and the prayer for pre-arrest bail by the Petitioner as well as co-petitioner having not been refused on merit in ABLAPL No.1688 of 2021, the Petitioner should be allowed to surrender and move for bail with a direction to the court below to dispose of the same on the same day taking note of the facts and circumstances of the case, especially the release of the co-accused persons.

6. Taking note of the aforesaid facts and circumstances of the case, especially the fact that the Petitioner was neither the Petitioner nor the deponent in ABLAPL No.16009 of 2018, for which, his earlier prayer for pre-arrest bail was refused, this Court directs that if the Petitioner surrenders in the aforesaid case before the Court in seisin over the matter within six weeks hence and makes a motion for bail, the Court in seisin over the matter shall consider and dispose of the bail application of the Petitioner in accordance with law on the same day addressing the release of the co-accused, if any, in proper perspective.

7. The ABLAPL is, accordingly, disposed of.

**(S.Pujahari)**  
**Judge**

DA