

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1831 of 2022

Rudra Narayan Behera.

....

Petitioner

-versus-

State of Odisha

....

Opposite Party

CORAM: JUSTICE S. PUJAHARI

Order
No.

ORDER
08.04.2022

01. 1. This matter is taken up through Hybrid mode.
2. The petitioner apprehending her arrest in Tangarpali P.S. Case No.96 of 2021 corresponding to G.R. Case No.496 of 2021, pending in the court of learned J.M.F.C.(R), Rourkela for alleged commission of offences punishable under Sections 498-A, 294, 323, 506, 307 and 406/34 of IPC and Section 4 of the D.P. Act, has filed this petition for his release on pre-arrest bail.
3. Heard, the learned counsel for the petitioner and learned counsel for the State.
4. It is submitted by the learned counsel for the petitioner that the petitioner was already released on bail, but since now higher offences were added, he has come to this Court by filing this petition for his release on pre-arrest bail.
5. Considering the law laid down by the Apex Court in the case of ***Pradeep Ram v. The State of Jharkhand & Anr. vide Criminal Appeal Nos.816-817 of 2019 (2019 SCC OnLine SC 825)***, this Court dispose

of this petition with the observation that if the petitioner surrenders before the learned J.M.F.C.(R), Rourkela within six weeks hence and makes a motion for bail, the learned J.M.F.C. shall consider and dispose of the same in accordance with law during the first hour. In case of rejection of the bail application, the petitioner may move for bail before the next higher forum in the second hour and in that event, the bail application of the petitioner shall be dealt with and disposed of by the higher forum on the same day taking note of the fact that he was earlier released on bail in the aforesaid case, but for addition of higher offence, he has approached the Court for his release on pre-arrest bail again and as stated, he has not misutilized his liberty

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 petitioner indicating the date of surrender.

7. Records shall be transmitted to the higher forum without awaiting the order of the higher forum by Special Messenger, if the petitioner makes a request in this regard. Cost, if any, shall be paid by the petitioner.

8. Till the aforesaid date, i.e., either the date of surrender before the trial Court or on expiry of six weeks, whichever is earlier, the petitioner shall not be arrested in connection with the aforesaid case.

9. The ABLAPL is, accordingly, disposed of.

10. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge