

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1055 of 2022

Bijaya Kumar Rout and Others *Petitioners*
-versus-
State of Odisha and another *Opposite Parties*

CORAM: JUSTICE S. PUJAHARI

ORDER
21.06.2022

Order
No.

- 02.
1. This matter is taken up through hybrid mode.
 2. Heard the learned counsel for the Petitioners and the learned counsel for the State.
 3. This application under Section 482 of Cr.P.C. has been filed by the Petitioners seeking a direction to the learned J.M.F.C., Salipur to release them on previous bail on their surrendering in Mahanga P.S. Case No.111 of 2013, corresponding to G.R. Case No.472 of 2013.
 4. Learned counsel for the Petitioners submits that the Petitioners were on bail, but subsequently charge sheet having been filed in higher offence, Petitioners apprehend that they are not likely to be released on bail as the court concerned has no jurisdiction to release the them on bail in an offence under

Section 307 of I.P.C. Hence, they have come to this Court seeking an appropriate direction to release them on bail.

5. Considering the facts and submissions made, this Court dispose of this petition with a direction that if the Petitioners surrender in connection with the aforesaid case before the Court in seisin over the matter within six weeks hence and make a motion for bail, the Court in seisin over the matter 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 dealt with and disposed of by the higher forum on the same day taking note of the fact that he was on bail but for addition of higher offence, they have been indicated in this case and they have not misutilized liberty granted to them in any manner.

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

7. The CRLMC is, accordingly, disposed of.

8. Urgent certified copy of the order be granted on proper application.

(S. Pujahari)
Judge

DA

