

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.5194 of 2022

***Krushna Chandra Rout and
another*** ***Petitioners***

-versus-

State of Odisha ***Opposite Party***

CORAM: JUSTICE S. PUJAHARI

**Order
No.**

**ORDER
21.06.2022**

01. 1. This matter is taken up through hybrid mode.
2. The Petitioners apprehending their arrest in Brahmagiri P.S. Case No.158 of 2021, corresponding to G.R.G.N. Case No.518 of 2021, pending in the Court of Grama Nyayalaya, Brahmagiri, Puri, registered for alleged commission of offences punishable under Sections 147/148/341/294/323/326/307/379/506/149 of the I.P.C., 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. It appears that the Petitioners had earlier approach this Court in ABLAPL No.10645 of 2021, which was dismissed for non-prosecution giving liberty to them to revive the prayer by filing fresh petition.
5. Considering the facts and submissions made, this Court is not inclined to release the Petitioners on pre-arrest bail, but direct that if

the Petitioners surrender in the aforesaid case in the first hour before the court of Grama Nyayalaya, Brahmagiri, Puri and make a motion for bail, the learned Grama Nyayalaya, Brahmagiri, 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 Petitioner.
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. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge

DA