

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8197 of 2021

Prabhudatta Das

....

Petitioner

-versus-

State of Odisha

....

Opposite Party

**CORAM:
THE JUSTICE S.PUJAHARI**

**ORDER
06.05.2022**

**Order
No.**

05. 1. Though this matter was reserved for order but due to certain clarification, this matter is listed today under the heading “To be mentioned” and taken up through Hybrid mode.
2. The Petitioner apprehending his arrest in Sahidnagar P.S. Case No.258 of 2021, corresponding to C.T Case No.3524 of 2021, pending in the court of S.D.J.M., Bhubaneswar registered for alleged commission of offences punishable under Sections 419/420/465/467/468/471/120-B IPC and under Sections 66(C)/66(D) of the I.T Act has filed this petition for his release on pre-arrest bail.
3. Heard learned counsel for the Petitioner and learned counsel for the State.
4. Mr. Santanu Kumar Sarangi, learned Senior Advocate for the Petitioner, submits that in the meanwhile other co-accused persons have been released on bail. Therefore, the Petitioner be released on bail. But I am not inclined to do so.

5. However, considering the submission made, it is observed that if the Petitioner surrenders in the aforesaid case in the first hour before the court of S.D.J.M., Bhubaneswar and makes a motion for bail, the learned S.D.J.M., Bhubaneswar 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 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.
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. Cost, if any, shall be paid by the Petitioner.
8. However, it is made clear that this order is not an impediment on the part of the police to proceed against the Petitioner in accordance with law for his apprehension before he surrenders, if the police so desired.
9. The ABLAPL is, accordingly, disposed of.
10. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge