

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13362 of 2019

Bhupati Sarat Bahu

....

Petitioner

-versus-

State of Odisha

....

Opposite Party

CORAM: JUSTICE S. PUJAHARI

Order
No.

ORDER
06.01.2022

- 06.
1. This matter is taken up through hybrid mode.
 2. The Petitioner apprehending his arrest in Kasinagar P.S. Case No.51 of 2018 registered for alleged commission of offence punishable under Section 302 read with Section 34 of the I.P.C., has filed this petition for his release on pre-arrest bail.
 3. Heard the learned counsel for the Petitioner and the learned counsel for the State.
 4. It appears that the Petitioner had earlier approached this Court vide ABLAPL No.16915 of 2018, which was disposed of as withdrawn. But, the Petitioner has come to this Court again for his release on pre-arrest bail on the ground that co-accused persons have already been released on bail.
 5. Considering the facts and submissions made, especially the heinousness and seriousness of the offence alleged, character of incriminating materials appearing against the Petitioner and

punishment provided on conviction, I am not inclined to release the Petitioner on pre-arrest bail.

6. Accordingly, the prayer for pre-arrest bail of the Petitioner stands rejected.

7. Learned counsel for the Petitioner submits that since co-accused persons have already been released on bail, Petitioner intends to surrender and move of bail before the court below. As such, a direction may be given to the court below to dispose of the bail application of the Petitioner as expeditiously as possible, preferably on the same day, addressing the release of the co-accused in proper perspective.

8. I am not inclined to do so.

9. However, it is open to the Petitioner to surrender and move for bail before the Court below and in that event, the bail application of the Petitioner shall consider and dispose of the same on its own merit.

(S. Pujahari)
Judge

DA