

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3368 of 2018

***Rabindra Swain @ Rabi &
others***

....

Petitioners

-versus-

State of Orissa

....

Opposite Party

CORAM: JUSTICE S.PUJAHARI

ORDER

18.04.2022

**Order
No.**

07.

1. This matter is taken up by Hybrid mode.
2. This application under Section 482 Cr.P.C. has been filed by the Petitioners for quashment of the FIR in connection with Kujang P.S. Case No.183 of 2015 corresponding to G.R. Case No.645 of 2015 pending in the court of learned J.M.F.C (P), Kujang.
3. Learned counsel for the Petitioners submits that the Petitioners do not want to press this petition but since they were released on bail under Section 41-A, Cr.P.C. before charge sheet and subsequently the addition of the higher offence, there is every chance of their taken to custody and as such, direction may be given to the court below to release the Petitioners on bail.
4. Taking note of the aforesaid facts and the submissions made and the Petitioners were all along on bail but after addition of

higher offence, they apprehend arrest, this Court directs that if the Petitioners surrender in the aforesaid case in the first hour before the court of J.M.F.C (P), Kujang and make 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 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, taking note of the fact that the Petitioners were extended the benefit of Section 41-A Cr.P.C. Record be transmitted to the higher forum on the application of the Petitioners by the J.M.F.C. (P), Kujang.

5. With the aforesaid order, this CRLMC stands disposed of.
6. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge

PKS