

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12974 of 2021

Sipu Dhir @ Sipu Brahma @ Om ***Petitioner***
Prakash Brahma

.....
State of Odisha ***Opposite Party***

CORAM: JUSTICE S. PUJAHARI

Order
No.

ORDER
21.09.2022

02. 1. This matter is taken up through hybrid mode.
2. The Petitioner apprehending his arrest in Nihalprasad P.S. Case No.153 of 2021, corresponding to G.R. Case No.347 of 2021, pending in the Court of J.M.F.C., Gondia, registered for alleged commission of offences punishable under Sections 147/ 148/ 294/ 323/ 325/ 307/354-B/427/379/506/149 of the I.P.C. read with Section 25 of the Arms Act, 1959, 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 It appears that the Petitioner had earlier approached this Court in ABLAPL No.11362 of 2021, which was disposed of as withdrawn vide order dated 27th September, 2021 giving liberty to the Petitioner to file better application.

5. As it is stated that the co-accused similarly situated with the present Petitioner in commission of the offence alleged, has already been released on bail, this Court directs that if the Petitioner surrenders in the aforesaid case in the first hour before the court of J.M.F.C., Gondia and makes a motion for bail, the learned J.M.F.C., Gondia 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. Records shall be transmitted to the higher forum by Special Messenger without awaiting the order of the higher forum, if the Petitioner makes a motion before the learned J.M.F.C., Gondia on rejection of his prayer that he is going to make motion for bail before the higher forum during the second hour. Cost, if any, shall be paid by the Petitioner.

7. The ABLAPL is, accordingly, disposed of.

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

(S. Pujahari)
Judge

DA