

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14318 of 2021

Karimi Jaga Rao &another ***Petitioners***

-versus-

State of Odisha ***Opposite Party***

**CORAM:
THE JUSTICE S.PUJAHARI**

ORDER

23.09.2022

**Order
No.**

01. 1. This matter is taken up through Hybrid mode.
2. The petitioners apprehending their arrest in Kashinagar P.S. Case No.42(15) of 2014, corresponding to G.R. Case No.16 of 2018, pending in the court of learned Special Judge-cum-Addl. Sessions Judge, Paralakhemundi for alleged commission of offences punishable under Sections 363/376(2)(i)(n) IPC and Section 6 of the POSCO Act, have filed this petition for their release on pre-arrest bail.
3. Heard learned counsel for the petitioners and learned counsel for the State.
4. It appears that this Court vide order dated 07.10.2021 in ABLAPL No.12034 of 2021 directed that if the Petitioners surrender in the aforesaid case in the first hour before the court of S.D.J.M., Paralakhemundi and make a motion for bail, the learned S.D.J.M., Paralakhemundi 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. The Petitioners without surrendering has filed this application for pre-arrest bail.

5. Considering the facts and submissions made, this ABLAPL is disposed of with the observation that if the petitioners surrender before the court in seisin over the matter within eight weeks hence and make a motion for bail, the court in seisin over the matter shall dispose of the same in course of the day taking note of the fact that the Petitioners are the parents and they are not related to the commission of the offence alleged. If such a plea is taken, the court in seisin over the matter shall consider the same in its proper perspective, so also the law laid down by the apex Court in the case of in the case of **Satender Kumar Antil vrs. Central Bureau of Investigation & another**, reported in **2021 (II) OLR (SC) 981** as well as **Satender Kumar Antil vrs. Central Bureau of Investigation** (Miscellaneous Application No.1849 of 2021 in Special Leave Petition (Crl.) No.5191 of 2021 disposed of on 11th July, 2022).

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

(S. Pujahari)
Judge