

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL No.15856 of 2021**

***Dirish @ Dibakar Bhoi and others* .... *Petitioners***

***-versus-***

***State of Orissa* .... *Opposite Party***

**CORAM: JUSTICE S. PUJAHARI**

**Order**  
**No.**

**ORDER**  
**05.08.2022**

04.        1.        This matter is taken up through hybrid mode.
2.        The Petitioners apprehending their arrest in Brahmagiri P.S. Case No.167 of 2020, corresponding to G.R. Case No.2792 of 2020, pending in the Court of Grama Nyayalaya, Brahmagiri, registered for alleged commission of offences punishable under Sections 147/148/294/323/324/325/326/307/302/506/149 of the I.P.C., have filed this petition for their release on pre-arrest bail.
3.        Heard the learned counsel for the Petitioners and the learned counsel for the State.
4.        Learned counsel for the Petitioners during course of argument submits that he does not want to press this petition for pre-arrest bail since the Petitioners intends to surrender and move for bail before the court below. However, he submits that direction may be given to the courts below to dispose of the bail application of the Petitioners on the same day.
5.        Considering the submission made, it is observed that if the Petitioners surrender in the aforesaid case in the first hour before the court

of Grama Nyayalaya, Brahmagiri and make a motion for bail, the learned Grama Nyayalaya, Brahmagiri 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. 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 Petitioners make a motion before the learned Gramya Nyayalaya, Brahmagiri on rejection of their prayer that they are 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