

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16412 of 2021

Pitambar Jena & others* *Petitioners

-versus-

State of Odisha & another* *Opposite Parties

**CORAM:
THE JUSTICE S.PUJAHARI**

**ORDER
21.01.2022**

**Order
No.**

01. 1. This matter is taken up through virtual mode.
2. The Petitioners apprehending their arrest in Bhandaripokhari P.S. Case No.371 of 2021 corresponding to Spl. Case No.144 of 2021 pending in the court of learned Special Judge, Bhadrak registered for alleged commission of offence punishable under Sections 341/323/325/294/506/379 IPC and Sections 3(1)(r)(s) and 3(2)(va) of the SC & ST (PA) Act have filed this petition for their release on pre-arrest bail.
3. Mr. Ajit Kumar Sahu, learned counsel has entered appearance on behalf of the informant by filing vakalatanama. The same be traced and tagged with the record.
4. Heard learned counsel for the Petitioners and learned counsel for the State so also learned counsel for the informant.
5. Learned counsel for the Petitioners during the course of argument submits that he does not want to press this petition for pre-arrest bail. However, it is submitted that since the Petitioners

intend to surrender and move for bail before the court below, direction may be given to the court below to dispose of the bail application of the Petitioners on the same day.

6. Considering the submission made, it is observed that if the Petitioners surrender in the aforesaid case before the Court in seisin over the matter and make a motion for bail, the Court in seisin over the matter shall consider and dispose of the bail application of the Petitioners on its own merit expeditiously on the same day. The incriminating materials collected against the Petitioners be sent by the I.O to the Court on the date of surrender, if the date of surrender intimated to him by the Petitioners. Release of the co-accused, if any, be addressed in proper perspective.

7. However, the aforesaid order should not be construed as a protection from arrest till the date of surrender.

8. The ABLAPL is, accordingly, disposed of.

9. As restrictions due to resurgence of COVID-10 situation are continuing, learned counsel for the parties may utilize a printout copy of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office order circulated vide Memo Nos.514 & 515 dated 7th January, 2022.

(S. Pujahari)
Judge

PKS