

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16422 of 2021

Ajay Kumar Yadav & Others* *Petitioners

-versus-

State of Odisha* *Opposite Party

CORAM: JUSTICE S. PUJAHARI

Order
No.

ORDER
21.01.2022

02. 1. This matter is taken up through Virtual mode.
2. The Petitioners apprehending their arrest in Chandahandi P.S. Case No.01 of 2013 corresponding to G.R. Case No.02 of 2013, pending in the court of learned J.M.F.C., Chandahandi, for alleged commission of offences punishable under Sections 147, 148, 341, 323, 307, 294 / 149 of I.P.C., have filed this petition for their release on pre-arrest bail.
3. Heard, the learned counsel for the Petitioners and learned counsel for the State.
4. It is submitted by the learned counsel for the Petitioners that the Petitioners were already released on bail, but subsequently cognizance for graver offence having been taken and summon having been issued against them, the Petitioners have come to this Court by filing this petition for their release on pre-arrest bail.
5. Considering the law laid down by the Apex Court in the case of ***Pradeep Ram v. The State of Jharkhand & Anr. vide Criminal Appeal***

Nos.816-817 of 2019 (2019 SCC On Line SC 825), this Court dispose of this petition with the observation that if the Petitioners surrender before the learned J.M.F.C., Chandahandi, within six weeks hence and makes 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 dealt with and disposed of by the higher forum on the same day taking note of the fact that they were earlier released on bail in the aforesaid case, but for addition of higher offence, they have approached the Court for their release on bail again.

6. Records shall be transmitted to the higher forum without awaiting the order of the higher forum by Special Messenger, if the Petitioners make a request in this regard. Cost, if any, shall be paid by the Petitioners.

7. Till the aforesaid date, i.e., either the date of surrender before the trial Court or on expiry of six weeks, whichever is earlier, the Petitioners shall not be arrested in connection with the aforesaid case.

8. The ABLAPL is, accordingly, disposed of.

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

(S. Pujahari)
Judge