

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16491 of 2021

Rushi Prasad Nahak & another* *Petitioners

-versus-

State of Odisha* *Opposite Party

**CORAM:
THE JUSTICE S.PUJAHARI**

**ORDER
10.02.2022**

**Order
No.**

01. 1. This matter is taken up through virtual mode.
2. 2. Heard learned counsel for the Petitioners.
3. 3. The Petitioners apprehending their arrest in Delang P.S. Case No.70 of 2017 corresponding to G.R. Case No.157 of 2017 pending in the court of learned J.M.F.C., Pipili registered for alleged commission of offence punishable under Sections 420/423/424/468/120-B/506/34 IPC have filed this petition for their release on pre-arrest bail.
4. 4. Heard learned counsel for the Petitioners and learned counsel for the State.
5. 5. It appears that apprehending arrest, the Petitioners earlier approached this Court in ABLAPL No.52 of 2017, which was disposed of by another Bench. By suppressing the

said fact, Petitioners again filed ABLAPL No.1412 of 2021 by same counsel. This Court granted bail to the Petitioners in the said case as the same was not brought to the notice of this Court and also matching page of the previous filing was taken away from the record by some unforeseen hands. Thereafter, when such suppression of facts came to the notice of this Court, a suo motu case i.e. CRLMA No.205 of 2021 was registered for cancellation of bail. The bail availed of by the Petitioners pursuant to the order dated 23.03.2021 in ABLAPL No.1412 of 2021 was cancelled. Now, the Petitioners have again come to this Court seeking pre-arrest bail. In the aforesaid backdrop, I am not inclined to entertain the prayer for pre-arrest bail of the Petitioners.

6. However, 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, taking note of the attending circumstance without being influenced by such order of cancellation, expeditiously.

7. It is submitted by the learned counsel for the Petitioners that similarly situated co-accused persons have already been released on regular bail. If that be so, the Petitioners may advance such plea before the court in seisin over the matter and

if such a contention is advanced, the same shall be addressed in its proper perspective.

8. The ABLAPL is, accordingly, disposed of.

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

(S. Pujahari)
Judge

PKS

