

02. 30.04.2019

The petitioner in this case having been implicated in Sukinda P.S. Case No.75 of 2009 registered for alleged commission of offences punishable under Sections 454/392/397 of the I.P.C. read with Section 25 of the Arms Act, corresponding to G.R. Case No.740(A) of 2009, pending in the court of learned J.M.F.C., Jajpur Road, has filed this petition for his release on pre-arrest bail.

Heard, learned counsel for the petitioner and learned counsel for the State.

Learned counsel for the petitioner during course of argument submits that he does not want to press this petition for pre-arrest bail. However, it is submitted that since the petitioner intends 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 petitioner on the same day.

Considering the submission made, it is observed that if the petitioner surrenders in the aforesaid case in the first hour before the court of learned J.M.F.C., Jajpur Road within four weeks hence and make a motion for bail, the learned J.M.F.C., Jajpur Road shall consider and dispose of the same in accordance with law during the first hour. In case of rejection of the bail application, the petitioner may move for bail before the next higher forum in the second hour and in that event, the bail application of the petitioner 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.

Records shall be transmitted to the higher forum.
Cost, if any, shall be paid by the petitioner.

It is made clear that no further extension of time with regard to surrender of the petitioner shall be granted in any circumstances.

The ABLAPL is, accordingly, disposed of.

Urgent certified copy of the order be granted on proper application.

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S.Pujahari, J.