

02. 29.05.2019

The petitioners in this case having been implicated in Puintala P.S. Case No.61 of 2019, corresponding to Spl. G.R. Case No.30 of 2019, pending in the court of the learned Special Judge (SC & ST), Bolangir for alleged commission of offences punishable under Sections 341/323/294/506/34 of I.P.C. read with Section 3(1)(r)(s) of S.C. & S.T. (PoA) Act, have filed this petition for their release on pre-arrest bail.

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

In view of the prohibition under Section 18 of the S.C. & S.T. (PoA) Act, the learned counsel for the petitioners do not want to press this application for pre-arrest bail. However, he submits that the petitioners shall surrender before the concerned Special Court under the S.C. & S.T. (PoA) Act and in the event the petitioners surrender and move for bail, the concerned Special Court under the S.C. & S.T. (PoA) Act may be directed to dispose of the same in course of the day.

Considering the facts and submissions made, and without expressing any opinion on the merit of the case, it is directed that if the petitioners surrender in connection with the aforesaid case before the concerned Special Court under the S.C. & S.T. (PoA) Act within eight weeks' hence and make a motion for bail, the bail application of the petitioners shall be considered and disposed of by the concerned Special Court under the S.C. & S.T. (PoA) Act in accordance with law, on the same day, if there is no other legal impediment. But, the petitioners are directed to serve copy of this order on the Investigating Officer and Special Public Prosecutor concerned within six weeks hence intimating that they are going to surrender on a particular date and move for bail and on receipt of such notice, they shall do the needful to communicate the same to the victim/victims to enable him/her/them as the case may be to have his/her/their say in

such bail petition by remaining present either in person or through lawyer. But, such date of surrender, however, must not be before ten clear days of such notice to the Investigating Officer and/or Special Public Prosecutor. In spite of the same, if the victim / victims, as the case may be, would not appear, the trial Court shall not wait for disposal of the bail application awaiting their response. Non-intimation of the aforesaid fact to the victim by the Special Public Prosecutor and the Investigating Officer concerned shall also not be a ground to adjourn the bail petition. But, the petitioners must furnish proof of such service of the copy of the order on them. The up-to-date Case Diary and the materials be made available to the Court concerned by the Investigating Officer.

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

With the aforesaid order, this ABLAPL stands disposed of.

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

A free copy of this order be handed over to the learned counsel for the State.

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**S.Pujahari,
Vacation Judge.**