

**ABLAPL No.9068 of 2018**

04. 31.07.2019

The petitioner in this case having been implicated in Kalinganagar P.S. Case No.163 of 2014 corresponding to G.R. Case No.1070(B) of 2014, pending in court of the learned J.M.F.C., Jajpur Road for alleged commission of offence punishable under Section 395 of I.P.C., 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 as the petitioner intends to surrender and moves for bail before the Court below. However, he submits to direct 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 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 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.

It is submitted that the co-accused has been released on bail. If that be so, while considering the prayer for bail of the petitioner, the Courts below shall address the same in proper perspective.

It is made clear that this Court has expressed no opinion on the merit of the case. It is further made clear that no further extension of the aforesaid period of surrender of the petitioner shall be given in any circumstances.

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

Interim order dated 09.07.2018 passed by this Court stands vacated.

The ABLAPL is accordingly disposed of.

Issue urgent certified copy of this order as per rules.

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***S.Pujahari, J.***

