

04. 28.02.2019

The petitioners in this case having been implicated in Kodala P.S. Case No.86 of 1993 registered for alleged commission of offence punishable under Sections 147/148/302/341/323/149 of the I.P.C., corresponding to G.R. Case No.109 of 1993, pending in the court of learned J.M.F.C., Kodala, have filed this petition for their release on pre-arrest bail.

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

Learned counsel for the petitioners 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 petitioners intend 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 petitioners on the same day.

Considering the submission made, it is observed that if the petitioners surrender in the aforesaid case in the first hour before the court of learned J.M.F.C., Kodala within four weeks hence and makes a motion for bail, the learned J.M.F.C., Kodala 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 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 petitioners.

The ABLAPL is, accordingly, disposed of.

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