

02. 24.12.2019

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

The petitioners in this case having been implicated in Rajkanika P.S. Case No.209 of 2019 corresponding to TR Case No.76 of 2019 pending in the court of learned Special Judge-cum-Sessions Judge, Kendrapara for alleged commission of offences punishable under Sections 452/294/307/354-B/506/34 IPC read with Section 3(1)(r)/3(1)(s)/3(2)(va) of the S.C. & S.T. (PoA) Act have filed this petition for their release on pre-arrest bail.

In view of the prohibition under Section 18 of the S.C. & S.T. (PoA) Act, the petitioners do not want to press this application for pre-arrest bail. However, he submits that they shall surrender before the concerned Special Court under the S.C. & S.T. (PoA) Act and move for bail and 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 six 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 I.I.C., Investigating Officer and Special Public Prosecutor concerned within four weeks' hence intimating that they are going to

surrender on a particular date and move for bail before the Special Court. On receipt of such notice, the I.I.C. shall do the needful to communicate the same to the victims to enable them to have them say, if any, on 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 I.I.C. concerned. In spite of the same, if the victims would not appear, the trial Court shall not await for the response of the victims for disposal of the bail petition. Non-intimation of the aforesaid fact to the victims by the I.I.C. concerned shall also not be a ground to adjourn the bail petition and the same is to the peril of the I.I.C. But, the petitioners must furnish proof of such service of the copy of the order on him. The up-to-date Case Diary and the materials thereon be made available to the Court concerned by the Investigating Officer on the date of consideration of the prayer for bail.

It is made clear that no further extension of time with regard to the 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 for necessary communication.

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S.Pujahari, J.

