

Anil Kumar Sahu @ Sahoo vs The State Of Odisha Opposite Party on 17 August, 2021

Author: S. Pujahari

Bench: S. Pujahari

IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.8185 of 2021

Anil Kumar Sahu @ Sahoo

....

Petitioner

-versus-

The State of Odisha

....

Opposite Party

CORAM: JUSTICE S. PUJAHARI

ORDER

Order

17.08.2021

No.

02.

1.

This matter is taken up through hybrid mode.

2. The Petitioner apprehending his arrest in Badabazar P.S. Case No.105 of 2021, corresponding to G.R. Case No.866 of 2021, pending in the Court of S.D.J.M., Berhampur, registered for alleged commission of offences punishable under Sections 272, 273, 420, 482, 483, 488 read with Section 34 of the I.P.C., Sections 103 & 104 of the Trade Marks Act, 1999, Sections 51, 52, 53, 56, 57, 59 & 63 of the Food Safety and Standards Act, 2006 and Sections 52(a) & 55 of the Orissa Excise Act, 2008, has filed this petition for his release on pre-arrest bail.

3. Heard the learned counsel for the Petitioner and the learned counsel for the State.

4. 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 courts below to dispose of the bail application of the Petitioner on the same day.

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5. Considering the submission made, it is observed that if the Petitioner surrenders in the aforesaid case in the first hour before the court of S.D.J.M., Berhampur and makes a motion for bail, the learned S.D.J.M., Berhampur 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.

6. Case Diary be made available to the court concerned, if a copy of this order is given to the I.O. through registered post with A.D. by the Petitioner indicating the date of surrender.

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

8. However, it is made clear that this order is not an impediment on the part of the police to proceed against the Petitioner in accordance with law for his apprehension before he surrenders, if the police so desired.

9. The ABLAPL is, accordingly, disposed of.

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

(S. Pujahari) Judge DA