

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.704 of 2022

Santosh Kumar Rout and others* *Petitioners

-versus-

State of Odisha* *Opposite Party

CORAM: JUSTICE S. PUJAHARI

ORDER

03.02.2022

Order

No.

01.

1. This matter is taken up through virtual mode.
2. The Petitioners apprehending their arrest in Nayagarh Sadar P.S. Case No.190 of 2021 registered for alleged commission of offences punishable under Sections 498(A), 323, 506 read with Section 34 of the I.P.C. and Section 4 of the Dowry Prohibition Act, 1961, have filed this petition for their release on pre-arrest bail.
3. Heard the learned counsel for the Petitioners and the learned counsel for the State.
4. Perused the F.I.R. allegations.
5. It appears that the matter arises out of marital discord.
6. Regard being had to the facts and submissions made, especially the nature of accusation, character of incriminating materials, circumstances in which the offences stated to have been committed, the fact that the matter arises out of marital discord and also it being not disputed that the Petitioners' release on pre-arrest bail

shall not be an hindrance to a free and fair investigation, this Court is of the view that the Petitioners have made out a case for their release on pre-arrest bail, more particularly when they are ready and willing to cooperate with the investigation and they have no chance of absconding and/or tampering with the prosecution evidence, if released on pre-arrest bail.

7. Hence, this Court directs that in the event of arrest of the Petitioners in connection with the aforesaid case, they be released on bail by the Officer effecting arrest on such terms and conditions as deemed just and proper.

8. However, the aforesaid order is subject to the condition that the Petitioners shall cooperate with the investigation and no other graver offence is reported against the Petitioners besides the aforesaid offences.

9. The ABLAPL is, accordingly, disposed of being allowed.

10. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout copy of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office order circulated vide Memo Nos.514 & 515 dated 7th January, 2022.

(S. Pujahari)
Judge