

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.708 of 2022

Ashok Kumar Swain

....

Petitioner

-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 Petitioner apprehending his arrest in Derabish P.S. Case No.156 of 2021 registered for alleged commission of offences punishable under Sections 294 and 507 of the I.P.C., has filed this petition for his release on pre-arrest bail.
3. Since the offences alleged against the Petitioner are bailable in nature, petition under Section 438 of Cr.P.C. is not maintainable.
4. Accordingly, the ABLAPL stands dismissed.
5. However, if the Petitioner requires in the aforesaid case for commission of a non-bailable offence, 48 hours notice under Section 160 of Cr.P.C. be given to him to appear before the police well ahead of such date and in that event, the Petitioner may approach this Court seeking pre-arrest bail.

6. 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.

DA/PKS/SKB

