

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.717 of 2022

K. Bijaya Kumar

....

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 Petitioner apprehending his arrest in Cuttack Mahila P.S. Case No.139 of 2021 registered for alleged commission of offences punishable under Sections 498(A), 294, 323, 307, 506 read with Section 34 of the I.P.C. and Section 4 of the Dowry Prohibition Act, 1961, 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. Perused the F.I.R. allegations.
5. It appears that the matter arises out of marital discord and the Petitioner is the husband of the Informant.
6. Regard being had to the facts and submissions made, especially the nature of accusation including the accusation under Section 307 of I.P.C., 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 Petitioner's release on pre-arrest bail shall not be an hindrance to a free and fair investigation, this Court is of the view that the Petitioner has made out a case for his release on pre-arrest bail, more particularly when he is ready and willing to cooperate with the investigation and he has 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 Petitioner in connection with the aforesaid case, he 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 Petitioner shall cooperate with the investigation and no other graver offence is reported against the Petitioner 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