

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.885 of 2022

Dhiraj Mohapatra @ Dhiraj Kumar Petitioner
Mohapatra

-versus-

State of Odisha Opposite Party

CORAM: JUSTICE S. PUJAHARI

ORDER

04.02.2022

Order

No.

01.

1. This matter is taken up through virtual mode.
2. The Petitioner apprehending his arrest in Korei P.S. Case No.361 of 2021, corresponding to C.T.(Spl.) Case No.69 of 2021, pending in the court of Sessions Judge, Jajpur, registered for alleged commission of offences punishable under Sections 341, 323 read with Section 34 of the I.P.C. and Sections 3(1)(r)/3(2)(va) of the S.C. & S.T. (PoA) Act, 1989, 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. In view of the prohibition under Section 18 of the S.C. & S.T. (PoA) Act, I am not inclined to grant pre-arrest bail to the Petitioner.
5. However, if so advised, the Petitioner may surrender and move for bail before the court in seisin over the matter in the aforesaid case giving ten clear days notice of such surrender to the I.I.C./I.O.

concerned in order to enable them to intimate the same to the victim to have his response on the bail application of the Petitioner by remaining present in the court in person or through counsel and also the I.O. to cause production of the case diary on the date of such surrender before the court concerned. Needless to say that on the date of surrender if the Petitioner furnishes the proof to the court concerned regarding such notice, the court shall consider and dispose of his prayer for bail in course of the day on its own merit even in the absence of the victim. It is made clear that this Court has expressed no opinion on the merit of the bail application in any manner. The up-to-date case diary and the injury report be made available to the Court concerned by the Investigating Officer on the date of consideration of the prayer for bail.

6. However, the aforesaid liberty of surrender should not be construed as any protection from arrest given to the Petitioner.

7. With the aforesaid order, this ABLAPL stands disposed of.

8. 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

DA