

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.916 of 2022

Kishori Jena

....

Petitioner

-versus-

State of Odisha

....

Opposite Party

**CORAM:
THE JUSTICE S.PUJAHARI**

**ORDER
04.02.2022**

**Order
No.**

01. 1. This matter is taken up through virtual mode.
2. The Petitioner apprehending her arrest in Nirakarpur P.S. Case No.15 of 2022 registered for alleged commission of offence punishable under Sections 379/411/34 IPC and Section 51 of the Orissa Minor Mineral Concessions Rules has filed this petition for her release on pre-arrest bail.
3. Heard learned counsel for the Petitioner and learned counsel for the State.
4. This matter arises out of marital discord.
5. On consideration of the allegations made in the F.I.R. and also the submissions made, especially the nature and character of allegations, circumstances in which the offences stated to have been committed 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 her release on

pre-arrest bail, more particularly when she is ready and willing to cooperate with the investigation and she has no chance of absconding and/or tampering with the prosecution evidence, if released on pre-arrest bail.

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

7. 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.

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

9. 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