

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL No.1064 of 2022**

***Sk. Abdul Kadar Sahed***

....

***Petitioner***

***-versus-***

***State of Odisha***

....

***Opposite Party***

**CORAM: JUSTICE S. PUJAHARI**

**ORDER**

**03.03.2022**

**Order**

**No.**

01.

1. This matter is taken up through hybrid mode.
2. The Petitioner apprehending his arrest in Kishannagar P.S. Case No.15 of 2022 registered for alleged commission of offences punishable under Sections 498(A), 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. It appears that the Petitioner had earlier approach this Court vide ABLAPL No.7735 of 2021, as he was apprehended registration of the F.I.R. against him, but since the F.I.R. was not registered, this Court was dismissed the bail application giving liberty to the Petitioner

to approach this Court when there is real and substantial apprehension vide order dated 13<sup>th</sup> September, 2021.

5. The allegation of the prosecution is that the Petitioner, who is the husband of the Victim-Informant, along with the in-laws of the Victim-Informant stated to have tortured the Victim-Informant for non-fulfillment of their illegal demand of dowry and also they made an attempt to kill her by throttling her neck.

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. Urgent certified copy of this order be granted on proper application.

**(S. Pujahari)**  
**Judge**

DA

