

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1173 of 2022

P. Pradeep Kumar Patro* *Petitioner

Mr. A.K. Chaudhury, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. J.P. Patra,
Addl. Standing Counsel*

CORAM:

JUSTICE S.K. SAHOO

ORDER

09.02.2022

Order No.

01. This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).

Heard the learned counsel for the petitioner and learned counsel for the State.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with G.R. Case No.149 of 2022 arising out of Gosaninuagaon P.S. Case No.17 of 2022 pending in the Court of learned S.D.J.M., Berhampur for alleged commission of offence under section 302/34 of the Indian Penal Code.

Perused the first information report annexed to the anticipatory bail application.

Learned counsel for the petitioner submitted that

the petitioner is the Chairman of Shriyan Residential College, Berhampur and the son of the informant, namely, Aula Kalidas was prosecuting his study in the said college and he committed suicide on 24.10.2021 and the matter was intimated to the police and U.D. Case No.16 of 2021 was registered, inquest over the dead body was conducted and the dead body was sent for post mortem examination and during investigation of the U.D. Case, a suicide note of the deceased was also seized and after about three months of the commission of suicide, the present case has been instituted on 24.01.2022 against senior batch students of the deceased so also the college authorities. It is further contended that the petitioner has got absolutely no role in the death of the deceased and the police is trying to arrest the petitioner in connection with the said false case and therefore, the anticipatory bail application of the petitioner may be favourably considered.

Learned counsel for the State opposed the prayer for anticipatory bail.

The case has been registered under section 302/34 of the Indian Penal Code.

Considering the submissions made by the learned counsel for the respective parties, the nature and gravity of the accusation against the petitioner, while not inclining to grant anticipatory bail to the

petitioner, it is observed that in the event the petitioner surrenders in the Court below within a period of four weeks from today and moves for bail before the learned Court below, the same shall be disposed of as expeditiously as possible by the Courts below in accordance with law. The case records shall be made available to the Court concerned for adjudication of the bail application. If the Court feels the necessity of perusal of the U.D. Case record at the time of adjudication of bail application, the concerned Court shall call for the same.

The ABLAPL is accordingly disposed of.

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

(S.K. Sahoo)
Judge

RKM