

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2585 of 2022

Gourishankar Mohapatra.

....

Petitioner

-versus-

State of Odisha & another.

....

Opposite Parties

CORAM: JUSTICE S. PUJAHARI

Order
No.

ORDER
29.04.2022

- 02.
1. This matter is taken up through Hybrid mode.
 2. The Petitioner apprehending his arrest in Kashinagar P.S. Case No.96 of 2021 registered for alleged commission of offences punishable under Sections 66(C) and 66(D) of the I.T. Act, 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. As it appears, the petitioner has earlier approached this Court for his release on pre-arrest bail vide ABLAPL No.16240 of 2021 and this Court is not inclined to entertain the same as the petitioner has no apprehension of arrest in the aforesaid case, inasmuch as notice issued under Section 41A of Cr.P.C. has already been complied with by the petitioner. Now, after filing of the charge-sheet, summon having been issued by the Court below, the

petitioner has again come to this Court for his release on pre-arrest bail.

5. However, as it is stated by the learned counsel for the petitioner that the Court concerned while taking cognizance on a wrong conception that 41A Cr.P.C. notice is only applicable at the time of investigation and soon after filing of the charge-sheet the same loses its significance, the petitioner has approached this Court for his release on pre-arrest bail.

6. Considering the aforesaid facts and submission made, this Court while declining to allow the prayer made in this petition on the ground stated, directs that since a summon has been issued, the Court in seisin over the matter shall decide the prayer for bail of the petitioner on his appearance, keeping in mind the guidelines issued by the Apex Court in the case of ***Satender Kumar Antil vrs. Central Bureau of Investigation and another***, in Petition(s) for Special Leave to Appeal (Crl.) No(s).5191 of 2021.

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

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

(S. Pujahari)
Judge