

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3503 of 2022

Ashok Kumar Swain

....

Petitioner

-versus-

State of Odisha & another

....

Opposite Parties

CORAM:

THE JUSTICE S.PUJAHARI

ORDER

05.08.2022

Order
No.

03.

1. This matter is taken up through Hybrid mode.
2. The Petitioner apprehending his arrest in connection with ICC No.53 of 2022 pending before the learned S.D.J.M., Kendrapara for alleged commission of offence punishable under Sections 294/506/469/507 IPC and Section 66(C)(66(E) of the Electronic Act has filed this petition for his release on pre-arrest bail.
3. It appears that earlier the Petitioner approached this Court in ABLAPL No.708 of 2022. Since the offence alleged against the Petitioner was bailable in nature, the petition filed under Section 438 Cr.P.C. was not maintainable. Since the Complainant again filed ICC No.53 of 2022 against the Petitioner before the learned S.D.J.M., Kendrapara, the learned S.D.J.M has sent the complaint case to Derabish Police Station

under Section 156(3) Cr.P.C. for investigation. Therefore, he has approached this Court seeking pre-arrest bail.

4. Heard the learned counsel for the Petitioner and the learned counsel for the State.

5. On consideration of the facts and 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 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.

6. 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.

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

(S. Pujahari)
Judge

PKS

