

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 3564 OF 2022

Maheswar Dalai

..... *Petitioner*
Mr. J.K. Majhi, Advocate

-versus-

State of Odisha

..... *Opposite Party*
Mr. D.Mund, AGA

CORAM:
JUSTICE V. NARASINGH

ORDER
10.06.2022

Order No.
01.

1. This matter is taken up through Hybrid Mode.
2. The Photostat copy of the Final Form submitted by the petitioner be kept on record.
3. Heard learned counsel for the petitioner and learned counsel for the State.
4. The petitioner is seeking pre-arrest bail in connection with Baliapal P.S. Case No. 147 of 2019 corresponding to Special Case No. 106/212 of 2019, pending on the file of the Learned Special Judge (SC/ST), Balasore for commission of offence under Sections- 302/34 of the IPC read with Section 3(2)(v) of the SC & ST (POA) Act.

5. In the light of the order passed by this Court in the case of ***Pramod Kumar Ray and Others vrs. State of Odisha, reported in (2017) 67 OCR -309***, this ABLAPL is disposed of with the following observations.

5-1. The petitioner shall surrender before the learned Special Judge (SC/ST), Balasore in Special Case No. 106/212 of 2019 corresponding to Baliapal P.S. Case No. 147 of 2019 within two weeks from today. Seven days before the petitioner surrender before the said Court, Petitioner or his counsel shall serve a copy of the bail application or such number of copies of the bail application on the learned Public Prosecutor/Special Public Prosecutor, as required by him, for the purpose of notice to the victim and his/her dependent. On the date of surrender of the petitioner, the Public Prosecutor/Special Public Prosecutor shall be ready with the Case Diary and other relevant case records of the Case.

6. It shall be open to the learned Special Judge to independently take into account the materials on record and considered the prayer for grant of interim bail in favour of the petitioner, keeping in view the gravity of the offence. Learned Special Judge is also called upon to consider, if the offence as alleged are ex-facie made out against the petitioner or not.

7. In the event, learned Special Judge decides to grant interim bail to the petitioner, he shall be released on the same day,

on surrendering within three weeks hence. The learned Court in seisin over the matter to fix the terms and conditions as deemed just and proper including the following additional conditions:-

- (1) the petitioner shall appear before the I.O. once in a week on the day and time fixed by the said I.O. until further order by the Learned Special Judge;
- (2) the petitioner shall not threaten, induce or coerce any witness of this case or the victim or his/her dependent in any manner whatsoever; and
- (3) the petitioner shall not involve himself in similar or any other offence during currency of this order.

8. In the event, the interim bail is granted to the petitioner, the matter shall be finally heard on merits within two weeks of appearance of the victim.

9. The ABLAPL accordingly stands disposed of.

10. Urgent certified copy of this order be granted as per rules.

Balaram

*(V.Narasingh)
Vacation Judge*