

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6346 of 2022

Aruna Pradhan

....

Petitioner

-versus-

State of Odisha

....

Opposite Party

CORAM: JUSTICE S. PUJAHARI

ORDER

22.07.2022

Order
No.

02.

1. This matter is taken up through hybrid mode.
2. The Petitioner apprehending his arrest in Jenapur P.S. Case No.54 of 2021, corresponding to C.T. Case No.310 of 2021, pending in the court of J.M.F.C., Chandikhol, registered for alleged commission of offence punishable under Section 376, 493, 417, 313, 506 read with Section 34 of the I.P.C., has filed this petition for his release on pre-arrest bail. But, in the meanwhile charge sheet has been submitted under Section 341, 323, 294, 506 read with Section 34 of the I.P.C. against the Petitioner.
3. Heard the learned counsel for the Petitioner and the learned counsel for the State.
4. It appears that the Petitioner had earlier approached this Court vide ABLAPL No.2687 of 2021, which was disposed of as withdrawn. However, Petitioner was given

liberty to surrender and move for bail before the court below. But, in the meanwhile, charge sheet having been filed and the Petitioner has not surrendered before the court below, N.B.W.(A) has been issued against him. As such, he has come to this Court again for his release on pre-arrest bail on the ground that the allegation made against him is trivial in nature.

5. If that be so, it is open to the Petitioner to act upon the order earlier passed in ABLAPL No.2687 of 2021 and in that event, the court in seisin over the matter would consider his prayer for bail keeping in view the law laid down by the Apex Court in the case of *Satender Kumar Antil v. Central Bureau of Investigation & Anr.*, reported in 2021 (II) OLR (SC) – 981.

(S. Pujahari)
Judge

DA