

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8533 of 2022

***Tarini Prasad Maharana @
Tarinisen Maharana*** ***Petitioner***

Mr. A. Pr. Bose, Advocate

-versus-

State of Odisha

Opp. Party

Mr. S. Mishra, A.S.C.

*Mr. P.S. Das, Advocate for the
Informant*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

23.09.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is seeking pre-arrest bail in connection with G.R. Case No.1225 of 2022, arising out of Keonjhar Town P.S. Case No.252 of 2022 pending in the court of learned S.D.J.M., Keonjhar for commission of offences punishable under Sections 498-A/302/304-B/34, I.P.C.
4. It is submitted by learned counsel for the petitioner that the matter has been compromised between the parties. Further an affidavit has been filed on behalf of the informant-Ajay Moharana stating therein that the matter has been settled keeping the future and welfare of the minor child, who is aged about one year old and is in custody of the grand-parents. Further it is stated that on basis of the

affidavit filed by the informant in-laws have been released on bail by this Court.

5. Learned counsel for the informant files an affidavit in Court today. The same is accepted and be kept on record.

6. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the petitioner.

7. However, on the submission of the learned counsel, the petitioner is given liberty to surrender before the learned S.D.J.M., Keonjhar in the aforesaid case in the first hour within 21 working days hence and move for bail. On such event, the learned Magistrate shall consider his application for bail in the first hour strictly on the basis of the materials on record. In case of rejection of the bail application, the petitioner may move for bail before the higher forum in the second hour. On such event, the higher forum shall consider and dispose of the bail application of the petitioner on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

8. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the petitioner, if applied for.

9. The ABLAPL is accordingly disposed of.

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

(A.K. Mohapatra)
Judge