

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11664 of 2021

Saroj Kumar Gupta & Others* *Petitioners

-versus-

State of Odisha* *Opposite Party

&

ABLAPL No.11666 of 2021

Bikash Kumar Gupta* *Petitioner

-versus-

State of Odisha* *Opposite Party

CORAM: JUSTICE S.PUJAHARI

ORDER

07.01.2022

Order
No.

- 03.
1. Both the matters are taken up through Hybrid mode.
 2. Since both the applications arise out of the same Bhubaneswar Mahila P.S. Case and similar question of law and facts are involved in both the cases, they are heard together and disposed of by this common order.
 3. The Petitioners in both the applications apprehending their arrest in Bhubaneswar Mahila P.S. Case No.101 of 2021, registered for alleged commission of offences punishable under

Sections 498-A, 341, 323, 307, 506 / 34 of I.P.C and Section 4 of the D.P. Act, have filed these petitions for their release on pre-arrest bail.

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

5. Pursuant to the order dated 08.12.2021, the I.O. and I.I.C. remain present in person before this Court and states that the benefit of Section 41A Cr.P.C has already been extended to the Petitioners in both the cases since no case under Section 307 I.P.C is made out against them. It is also stated that they are not able to produce the Case Diary as due to disturb state of mind the husband of the informant died in the month of May, 2021 and her mother-in-law died in the month of October, 2021. Therefore, she begs for unconditional apology in not filing the Case Diary within the time stipulated and to waive the cost imposed pursuant to the said order.

6. Since the apology sought for is a bona fide one, the cost imposed pursuant to the order dated 08.12.2021 is waived and the personal appearance is also dispensed with.

7. As the benefit of Section 41A of Cr.P.C has been extended to the Petitioners, learned counsel for the Petitioners does not want to press both the bail applications.

8. Accordingly, both the ABLAPLs are disposed of as not pressed.

(S. Pujahari)
Judge

SKB

