

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11392 of 2022

Jagabandhu Barik

.... Petitioner
Mr. K.C. Ratha, Advocate

-versus-

The State of Odisha

.... Opposite Party
Mr. B.P. Tripathy, AGA

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

10.11.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Additional Government Advocate appearing for the State-Opposite Party.
3. This is an application under Section 438 of Cr.P.C. filed by the Petitioner for pre-arrest bail.
4. The Petitioner is seeking pre-arrest bail in connection with Naikandihi P.S. Case No.111 of 2022, corresponding to G.R. Case No.394 of 2022, pending in the Court of learned J.M.F.C., Basudevpur for commission of offence punishable under Section 302 read with Section 34 of I.P.C.
5. It appears that the Petitioner had earlier approached this Court in ABLAPL No.7849 of 2022 which was disposed of vide order dated 11.08.2022 directing the Petitioner to surrender before the learned J.M.F.C., Basudevpur in the 1st hour and move for bail and in

that event, if the learned Magistrate rejects his bail application, the Petitioner may move for bail before the higher forum in the second hour and in that event the bail application of the Petitioner shall be considered and disposed of by the higher forum on the same day.

6. Learned counsel for the Petitioner submits that the Petitioner has not been named by any of the witnesses in their statement recorded under Section 161 of Cr.P.C.

7. Considering such submission, the Petitioner is directed to surrender before the learned J.M.F.C., Basudevpur as per direction given by this Court vide order dated 11.08.2022 passed in ABLAPL No.7849 within a period of four weeks from today and in the event the Petitioner surrenders before the learned J.M.F.C., Basudevpur, the terms and conditions as mentioned in the aforesaid order dated 11.08.2022 shall be given effect to. However, while considering the bail application of the Petitioner, the courts below shall be taken into consideration the fact that the Petitioner has not specifically named by any of the witnesses in their statement recorded under Section 161 of Cr.P.C. and disposed of the bail application of the Petitioner in accordance with law on the same day.

8. With the aforesaid observation, this ABLAPL stands disposed of.

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

(A.K. Mohapatra)
Judge