

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13996 of 2021

***Chiku Malik @ Badal @ Chinkul
Malik.***

....

Petitioner

-versus-

State of Odisha

....

Opposite Party

CORAM: JUSTICE S. PUJAHARI

**Order
No.**

**ORDER
29.04.2022**

- 04.
1. This matter is taken up through Hybrid mode.
 2. The Petitioner apprehending his arrest in Bhadrak Town P.S. Case No.367 of 2021 registered for alleged commission of offences punishable under Sections 294, 306 and 506 of IPC, has filed this petition for his release on pre-arrest bail.
 3. Heard the learned counsel for the Petitioner and the learned counsel for the State.
 4. Learned counsel for the petitioner submits that absolutely there is no material against the petitioner to indict him in this case, inasmuch as the allegation has been made in the FIR that as the petitioner was having one sided love with the daughter of the Informant, he was blackmailing the

deceased and the Informant had heard from his deceased daughter that the petitioner while regularly blackmailing his daughter, his daughter committed suicide. The same is further fortified from the fact that the petitioner had also telephoned the deceased for several times and extending threat that he would not allow her to marry anyone except him. However, though investigation has substantially progressed, but neither the call details of the deceased with the petitioner nor the Informant with the deceased has been collected. In such facts and situation, this Court should allow the prayer for pre-arrest bail of the petitioner, more so when the petitioner is ready and willing to cooperate with the investigation and he has no chance of absconding.

5. Learned counsel for the State, however, fairly submits that except the aforesaid materials, no call detail has been collected as yet in the aforesaid case.

6. Therefore, taking note of the available materials on record and the other relevant facts as well as the submission made, particularly the fact that the nature and character of the incriminating materials collected and also the fact that the petitioner is ready and willing to cooperate with the investigation being remaining present as and when directed by the police, this Court is of the view that the Petitioner has made out a case for his release on pre-arrest bail.

7. Hence, this Court directs that in the event of arrest of the Petitioner in connection with the aforesaid case, he be released on bail by the Officer effecting arrest on such terms and conditions as deemed just and proper.

8. The ABLAPL is, accordingly, disposed of being allowed.

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

(S. Pujahari)
Judge

MRS

