

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 14992 of 2022

Kshetra Mohan Sethy

....

Petitioner

Mr. C. R. Jena, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. Debasis Biswal, ASC

CORAM:

JUSTICE CHITTARANJAN DASH

Order No.

ORDER
12.12.2022

01. 1. Heard learned counsel for the Petitioner and the State.
2. This is an application for bail U/s.438 Cr.P.C. filed by the Petitioner in apprehension of arrest for his alleged involvement in the offences U/s.498(A)/406/341/323/294/307/506/494/120(B) IPC.
3. It is submitted by learned counsel for the Petitioner that the complaint filed by the Informant and the learned Magistrate send the same to the Police under section 156(3) of Cr.P.C. wherein the FIR was lodged. The allegations as regards as the offence under section 307 and 494 relates to the year 2013. It is further submitted by learned counsel for the Petitioner that prior to COVID-19, the Informant left the matrimonial house of the Petitioner and went with her paramour and having retained after COVID-19, lodged this complaint. Since the entire complaint is based on falsity and the Informant abandoned the company of the Petitioner from his matrimonial relations, there is absolutely falsity contended in the

complaint petition and the Petitioner may be considered for pre-arrest bail.

4. Keeping in view the submission of the parties, the nature of allegations as emerged from the materials on record, the circumstances appearing, the seriousness and gravity of the offences, it is directed that in the event the Petitioner surrenders and moves for bail in connection with Paradeep P.S. Case No.365 of 2022 corresponding to G.R. Case No.1112 of 2022 pending in the court of learned J.M.F.C.(P), Kujang within a period of three weeks hence and move for bail, he shall be released on such terms and conditions as would be deemed just and proper by the said court. However, if the learned court allows the Petitioner to go on bail, then the following further conditions shall be imposed:-

- (i) The Petitioner shall appear before the I.O. and shall cooperate with the investigation as and when required.
- (ii) he shall also appear before the trial court on each date of trial, without fail, till conclusion of the trial;
- (iii) he shall not tamper with the prosecution evidence in any manner whatsoever;
- (iv) he shall not indulge in any other crime of similar nature or otherwise to the present case, in any manner whatsoever, while on bail.

Violation of any of the conditions shall entail cancellation of bail.

5. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge