

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15401 of 2022

Subash Malik and another

.... Petitioners
Mr. M. Mishra, Advocate

-versus-

State of Odisha

.... Opp. Party
Mr. S.S. Pradhan, AGA

CORAM:
JUSTICE A.K. MOHAPATRA

ORDER
19.12.2022

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 Standing Counsel for the State-Opposite Party.
3. The Petitioners are seeking pre-arrest bail in connection with Rajnagar P.S. Case No.367 of 2022, corresponding to G.R. Case No.450 of 2022, pending in the court of learned N.G.N.-cum-J.M.F.C., Rajnagar, registered for alleged commission of offences punishable under Sections 498-A/323/307/354/506/34 of the I.P.C. read with Section 4 of the Dowry Prohibition Act, 1961.
4. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant pre-arrest bail to the Petitioners. However, it is directed that in the event the Petitioner No.2 surrenders and moves an application for bail before the Court in seisin over the matter within a period of three weeks from today in the aforesaid case, the Court in seisin over the matter shall release her on bail on such terms and conditions as it would be deemed just and

proper.

5. So far as Petitioner No.1 is concerned, if he surrenders before the learned J.M.F.C., Rajnagar in the aforesaid case in the first hour within 21 working days hence and moves for bail, 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, he may move for bail before the higher forum in the second hour. On such event, the higher forum shall consider and dispose of his bail application on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

6. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the Petitioner No.1, if applied for.

7. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge