

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16394 of 2021

Jaga @ Gangadhar Mohanty ***Petitioner***

-versus-

State of Odisha ***Opposite Party***

**CORAM:
THE JUSTICE S.PUJAHARI**

**ORDER
21.01.2022**

**Order
No.**

01. 1. This matter is taken up through virtual mode.
2. The Petitioner apprehending his arrest in Oupada P.S. Case No.92 of 2020 corresponding to C.T. Case No.538 of 2020 pending in the court of S.D.J.M., Nilgiri registered for alleged commission of offence punishable under Sections 498-A/406/34 IPC and Section 4 of the D.P Act has filed this petition for his release on pre-arrest bail.
3. Heard learned counsel for the Petitioner and learned counsel for the State.
4. Learned counsel for the State submits that in the meantime charge sheet has been filed.
5. Considering the facts and the submissions made, especially the nature and character of allegations, circumstances in which the offences stated to have been committed, factum of completion of investigation and also there being no likelihood of the petitioner absconding and/or tampering with the prosecution evidence, if released on pre-arrest bail, this Court directs that if

the petitioner surrenders before the Court in seisin over the matter within six weeks hence and makes a motion for bail, the Court in seisin over the matter shall release him on bail in connection with the aforesaid case on such terms and conditions as it may deem just and proper.

6. However, if the Petitioner does not surrender within time stipulated, there is no impediment on the part of the police to take him to custody and produce in the Court executing the non-bailable warrant issued or pending against him in the aforesaid case and in that event, the court concerned shall consider his prayer on its own merit.

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

8. As restrictions due to resurgence of COVID-10 situation are continuing, learned counsel for the parties may utilize a printout copy of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office order circulated vide Memo Nos.514 & 515 dated 7th January, 2022.

(S. Pujahari)
Judge

PKS