

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16612 of 2021

Nirmal Sahoo @ Beda @ Chitta* *Petitioner

-versus-

State of Odisha* *Opposite Party

**CORAM:
THE JUSTICE S.PUJAHARI**

**ORDER
03.03.2022**

**Order
No.**

02. 1. This matter is taken up through Hybrid mode.
2. The Petitioner apprehending his arrest in Kamakshya Nagar P.S. Case No.80 of 2019 registered for alleged commission of offence punishable under Sections 302/201 IPC 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. An unknown FIR was lodged that the deceased was murdered. However, the Petitioner having close proximity with the deceased, the family members of the deceased suspected his involvement in the murder of the deceased. The Petitioner earlier approached this Court in ABLAPL Nos.1099 of 2020 and 9532 of 2020 and the same were not disposed of on merit

but disposed of for suppression of facts. Therefore, the same does not stand on the way of the Petitioner to consider the prayer for pre-arrest bail on merit.

5. It appears that the Petitioner is being suspected for his involvement in the murder of the deceased. The investigation is in progress. The Petitioner has criminal antecedents and two cases are pending against him. Therefore, in the facts and the circumstances of the case, this Court is of the view that the Petitioner does not deserve to be released on pre-arrest bail, particularly when the investigation is going on.

6. Accordingly, the ABLAPL stands rejected. But the rejection of the aforesaid prayer of the Petitioner should not be construed as a mandate to the police to arrest the Petitioner and interrogate him in custody immediately even if no material is available against him provided he cooperates with the investigation.

7. With the aforesaid order, this ABLAPL stands disposed of.

(S. Pujahari)
Judge