**IN THE HIGH COURT OF ORISSA AT CUTTACK**
**ABLAPL No.14036 of 2024**

***Sidhinath Behera*** **.....** ***Petitioner***

Represented By Adv. -
Niranjan Nayak

*-versus-*

***State Of Odisha*** **.....** ***Opposite Parties***

Represented By Adv. –
Mr. Samaresh Jena, ASC

**CORAM:**
**THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA**

**ORDER**
**13.12.2024**

**Order No.**

01. 1. This matter is taken up through Hybrid mode.

2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel appearing for the Opposite Party-State.

3. The present application has been filed under Section 482 of BNSS, 2023 by the Petitioner seeking pre-arrest bail in connection with Ramachandrapur P.S. Case No.369 of 2024, corresponding to G.R. Case No.732 of 2024, pending in the court of learned J.M.F.C. (Grama Nyayalaya), Ghasipura for alleged commission of offences punishable under Sections 85, 3(5) of BNS read with Section 4 of D.P. Act.

4. It is stated by learned counsel for the Petitioner that the Petitioner is the husband of the Informant-wife. He further contended that due to a matrimonial dispute the Informant-wife has lodged this FIR against the Petitioner-husband. Learned counsel for

the Petitioner further contended that there is no allegation of any assault as such the question that the injured has not sustained any injury. He further contended that the Petitioner is working in CRPF as a constable, therefore, there is no chance of his absconding.

5. Considering the nature of allegation, gravity of offence and the facts and circumstances of the case, I am not inclined to grant pre-arrest bail to the Petitioner. However, it is directed that in the event the Petitioner surrenders before the Court in seisin over the matter within a period of four weeks from today and moves an application 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 in the facts and circumstances of the case.

6. The release of the Petitioner shall also be subject to following conditions:-

i) shall cooperate with the investigation and appear before the I.O. as and when his presence is required and shall cooperate with the early conclusion of the investigation;

ii) shall appear before the Trial Court on each and every date fixed without fail, if not prevented by sufficient cause;

iii) shall not harass, threaten and terrorize the informant or her family members in any manner whatsoever and shall look after the Informant-wife as her well-being while on bail;

iv) shall provide interim monthly maintenance of Rs.5,000/- (Rupees Five Thousand) to the Informant-wife

which shall be subject to any order to be passed by the competent forum having its jurisdiction to decide the issue of maintenance;

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

7. Accordingly, the ABLAPL is disposed of.

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

***( Aditya Kumar Mohapatra )***
***Judge***

*S.K. Rout*

Signature Not Verified
Digitally Signed
Signed by: SANTANU KUMAR ROUT
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 14-Dec-2024 16:39:08