



IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.9148 of 2024

Pravat Kumar Behera

.....

Petitioner

Represented By Adv. –
Mr. Kashinath Pattanaik

-versus-

State Of Odisha

.....

Opposite Parties

Represented By Adv. –

Mr. Samaresh Jena, ASC

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

ORDER
31.08.2024

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for both the parties and perused the records.
3. The present application has been filed under Section 482 of BNSS, 2023 by the Petitioner seeking pre-arrest bail in connection with G.R. Case No.945 of 2024, arising out of Basudevpur P.S. Case No.599 of 2024, pending on the file of learned J.M.F.C., Basudevpur, for alleged commission of offences punishable under Sections 318(4)/351(3) of BNS 2023.
4. It is stated by the learned counsel for the Petitioner that the Petitioner has not been named in the F.I.R. He further contended that as per the F.I.R. allegation, the money was transferred to the account of the principal accused Bidhan Hazira through one Pabitra Mallick. He further submitted that above Bidhan Hazira and Pabitra Mallick



has been arrested and they are in custody. Learned counsel for the Petitioner further submitted that since the police summoning the Petitioner, Petitioner apprehends the arrest on false implication. It was also contended that the Petitioner does not have any criminal antecedent.

5. Considering such submission, the Arresting Officer is directed to follow the mandatory procedure of Section 35(3)(4)(5) of BNSS, 2023, if the same is applicable to the facts of the present case in view of the principle laid down by the Hon'ble Supreme Court in the case of *Satender Kumar Antil -vrs.- Central Bureau of Investigation & Another*, reported in *2022 LiveLaw (SC) 577*.

6. With the aforesaid observation, the bail application is disposed of.

Issue urgent certified copy of the order as per Rules.

(*A.K. Mohapatra*)
Judge

Debasis

Signature Not Verified

Digitally Signed
Signed by: DEBASIS AECH
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 02-Sep-2024 19:52:13

