

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.344 of 2022

Gourav Kumar Mahuri* *Petitioner

Mr.S. Mohapatra, Advocate

-versus-

State of Odisha* *Opp. Party

Mr. J.P. Patra

Addl. Standing Counsel

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
07.04.2022**

Order No.

02. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard the learned counsel for the petitioner and learned counsel for the State.

This is an application under section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Soso P.S. Case No. 01 of 2022 corresponding to G.R. Case No. 2 of 2022 pending in the Court of learned Grama Nyayalaya for the commission of the alleged offence punishable under section 306 of the Indian Penal Code. Perused the first information report annexed to the anticipatory bail application.

Learned counsel for the petitioner submitted

that the materials available on record indicate that there was love affair between the petitioner and the deceased Swarnaprava Behera and assurance of marriage was also given by the petitioner to the deceased but since the petitioner on the fateful day did not agree to the marriage, the deceased committed suicide by hanging herself. It is submitted that in the factual background, the ingredients of the offence under section 306 of the Indian Penal Code would not be attracted and therefore, the bail application of the petitioner may be favourably considered.

Learned counsel for the State on the other hand submitted that apart from the availability of the statement regarding mental torture to the deceased by the petitioner, it seems that there was a number of telephonic calls between the petitioner and the deceased on the previous day of the occurrence so also on the date of occurrence and it appears that the deceased lost her mental balance as the petitioner refused to fulfill the commitment of marriage and committed suicide.

Considering the submissions of the learned counsel for the respective parties, the nature and gravity of the accusation against the petitioner, the surrounding circumstances under which the deceased committed suicide, while not inclining to grant anticipatory bail to the petitioner, liberty is granted to

the petitioner to surrender and move for bail in the Court below within a period of four weeks from today in the event of which the learned Courts below shall dispose of the same in accordance with law expeditiously. The case records shall be made available to the Court concerned for disposal of the bail application.

The ABLAPL stands disposed of.

Urgent certified copy of this order be granted on proper.

(**S.K. Sahoo**)
Judge



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