

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.406 of 2022

1. Gopal Behera
2. Smt. Satya Behera **Petitioners**

Mr.S.K. Dash, Advocate

-versus-

State of Odisha **Opp. Party**

Mr.A.K. Beura,
Addl. Standing Counsel

CORAM:
JUSTICE S.K. SAHOO

ORDER
01.02.2022

Order No.

01. This matter is taken up through video conferencing mode.

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

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in connection with Purushottampur P.S. Case No.661 of 2021 corresponding to G.R. Case No.644 of 2021 pending before the learned J.M.F.C., Purushottampur for commission of alleged offences under sections 451, 306, 354, 323/34 of the Indian Penal Code.

Learned counsel for the petitioners submitted that the petitioner no.1 is the husband of petitioner no.2 and their son Dipak Behera was in love with the

daughter of the informant and since the informant's family did not agree for the marriage between the two and rather tried to settle the marriage of their daughter at another place, the petitioners' son committed suicide as a result of which, the petitioner no.1 was roaming in the village like a mad man and that is the reason why the deceased also committed suicide by consuming poison and there is absolutely no material against the petitioners relating to abetment of commission of suicide of the deceased and a false case has been foisted against them and therefore, the prayer for anticipatory bail may be favourably considered.

Learned counsel for the State, on the other hand, opposed the prayer for anticipatory bail and placed the statement of Pinki Mohakud, the elder married sister of the deceased Basanti Gouda, from which it appears that there is no iota of material against the petitioner relating to abetment of commission of suicide by the deceased.

Considering the submissions made by the learned counsel for the respective parties, nature of accusation against the petitioners, the surrounding circumstances under which the deceased Basanti Gouda committed suicide and absence of any material against the petitioner relating to their involvement in such suicide, I am inclined to release the petitioners on anticipatory bail and accordingly, this Court directs

that in the event of arrest of the petitioners in connection with the aforesaid case, they shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties each for the like amount to the satisfaction of the arresting officer with further conditions that they shall make themselves available for interrogation by the I.O. as and when required and they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing any facts to the Courts or to the Investigating Officer.

Violation of any of the above conditions shall entail cancellation of bail.

The ABLAPL is accordingly disposed of.

Parties may utilize the soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner prescribed vide office order dated 7th January 2022.

(S.K. Sahoo)
Judge

PKSahoo