

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.477 of 2022

Kalpataru Mallick **Petitioner**

Mr. C. Samantaray, Advocate

-versus-

State of Odisha **Opp. Party**

Mr. A. Das

Addl. Government Advocate

CORAM:

JUSTICE S.K. SAHOO

ORDER

02.02.2022

Order No.

01.

The matter is taken up through Video Conferencing.

Heard 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 Rampur P.S. Case No. 143 of 2021 corresponding to G.R. Case No. 3122 of 2021 pending in the Court of learned J.M.F.C., Cuttack for alleged commission of offences under sections 498-A/306 of the Indian Penal Code.

Perused the F.I.R.

Mr. Chandan Samantaray, learned counsel

appearing for the petitioner submitted that it is a case of love marriage between the petitioner and the deceased and there was no torture on the deceased and on the fateful day, the petitioner who was working as an electrician, was not present in the house and in his absence, the deceased consumed poison and when the petitioner came to know about the same, he intimated his in-laws about the condition of the deceased and when they came, the deceased died and at a subsequent stage, a concocted F.I.R has been presented. It is further submitted that since there is no case of abetment or commission of suicide, the anticipatory bail application of the petitioner may be favourably considered.

Learned counsel for the State opposed the prayer for bail.

In view of available material on record, the nature and gravity of the accusation, while not inclining to grant anticipatory bail to the petitioner, it is observed that in the event the petitioner surrenders in the Court below and moves for bail before the learned Court below within a period of four weeks from today, the same shall be disposed of as expeditiously as possible by the Courts below in accordance with law and claim of parity with the co-accused shall be taken into account at the time of adjudication of the bail application. The case records

shall be made available to the Court concerned.

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.

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(S.K. Sahoo)
Judge

