

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.648 of 2022

Avinash Samal

.... ***Petitioner***
Mr.P.K.Nanda,Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr.S.Patra,A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

29.08.2022

Order No.

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner and the learned Additional Standing Counsel. Perused the records.
 3. This is an application under Section 438 Cr.P.C. filed by the Petitioner for anticipatory bail.
 4. It is submitted by the learned counsel for the Petitioner that both the informant and the Petitioner were married. In support of such contention, learned counsel for the Petitioner has filed the certificate of marriage issued on 28.08.2018 of the Marriage Officer, Khurda. It is further submitted by the learned counsel for the Petitioner that there is dispute between the husband and wife and accordingly the wife informant has approached the Family Court and while the proceeding before the Family Court is pending, the present F.I.R. has been lodged

against the Petitioner.

5. Learned Additional Standing Counsel on the other hand submits that there are serious allegations against the Petitioner that he has threatened the informant. Therefore, he prays for rejection of the bail application filed by the Petitioner.

6. Considering the nature of allegations made, gravity of the offence and the facts of the case, I am not inclined to grant anticipatory bail to the Petitioner. However, it is directed that in the event the Petitioner surrenders before the learned S.D.J.M., Bhubaneswar in C.T.Case No.218 of 2022 arising out of Bhubaneswar Mahila P.S.Case No.05 of 2022 within a period of three weeks from today and moves for bail, he shall be released on bail on such terms and conditions as would be deemed just and proper by the learned Magistrate with the conditions that the Petitioner while on bail shall cooperate with the investigation and appear before the I.O. as and when required and the Petitioner shall also appear before the trial court on each and every date fixed and he shall not threaten, influence, terrorise or harass the informant and her family members in any manner whatsoever.

7. Accordingly, the ABLAPL is disposed of.

8. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge