

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.898 of 2022

Jhuna Rani @ Jhuma Rana ***Petitioner***

-versus-

State of Odisha ***Opposite Party***

CORAM: JUSTICE S. PUJAHARI

ORDER

04.02.2022

Order

No.

01.

1. This matter is taken up through virtual mode.
2. The Petitioner apprehending her arrest in Rajkanika P.S. Case No.16 of 2022 registered for alleged commission of offences punishable under Sections 498(A), 294, 323, 307, 506, 494 read with Section 34 of the I.P.C. and Section 4 of the Dowry Prohibition Act, 1961, has filed this petition for her release on pre-arrest bail.
3. Heard the learned counsel for the Petitioner and the learned counsel for the State.
4. It is stated by the learned counsel for the State that the Petitioner is the so-called second wife of the Informant's husband and no allegation under Section 307 of I.P.C. or dowry torture is there against the Petitioner and the only allegation is under Section 494 of I.P.C. against her.

5. Regard being had to the facts and submissions made, especially the nature of accusation as appearing in the F.I.R. filed and the fact that this matter arises out of marital discord and also the punishment prescribed for the offences alleged so also there is no likelihood of the Petitioner absconding or tampering with the prosecution evidence, if released on pre-arrest bail, this Court is of the view that the Petitioner has made out a case for her release on pre-arrest bail, more particularly when she is ready and willing to cooperate with the investigation and she has no chance of absconding and/or tampering with the prosecution evidence, if released on pre-arrest bail.

6. Hence, this Court directs that in the event of arrest of the Petitioner in connection with the aforesaid case, she be released on bail by the Officer effecting arrest on such terms and conditions as deemed just and proper.

7. However, the aforesaid order is subject to the condition that the Petitioner shall cooperate with the investigation and no other graver offence is reported against the Petitioner besides the aforesaid offences.

8. The ABLAPL is, accordingly, disposed of being allowed.

9. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may

utilize a printout copy of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office order circulated vide Memo Nos.514 & 515 dated 7th January, 2022.

(S. Pujahari)
Judge

DA

