

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.1055 OF 2021

Ramesh Samantaray @ Dhakada

Petitioner

Mr. S.K. Dash, Advocate

-versus-

State of Odisha

Opposite Party

Mr. S.K. Nayak, AGA.

CORAM:

MR. JUSTICE D.DASH

ORDER

04.07.2022

Order No.

04. 1. This matter is taken up through hybrid arrangement (virtual/ physical) mode.
2. The Petitioner having been implicated in connection with Tangi P.S. Case No.348 of 2020 corresponding to G.R. Case No. 499 of 2020 registered for alleged commission of offence under section-498-A/304-B/302/34 of the IPC read with section -4 of the D.P. Act, pending in the court of learned NGN-cum-J.M.F.C., Tangi, has filed this application under section-438 Cr.P.C. for his release in the event of his arrest in the aforesaid case.
3. Learned Counsel for the Petitioner submits that the Petitioner being the elder brother of the husband of the deceased has been arraigned in the case on the general allegations that he was joining with the husband of the deceased in torturing the deceased, when the deceased committed suicide within seven years of marriage by taking highly overdose of medicines. He further submitted that the charge-sheet in the meantime has been filed for offence Section-306 of the IPC by substituting the offence of Section-302 of the IPC. He submits that the information in the present case has been lodged one and half years

after the incident, when in the meantime husband of the deceased has been released on bail. He further submitted that the Petitioner being on interim bail with effect from 26.07.2021 have been cooperating with the investigation and have never misused the liberty. In view of all these above and in the absence of any other impediment; he urges for grant of anticipatory bail to the Petitioner.

4. Learned Counsels for the State although does not dispute the position with regard to the cause of death as available from the materials collected from the investigation, however opposes the move citing the role of these Petitioner said to have been played by the Petitioner.

5. Considering the submissions and on going through the nature of accusations; further keeping in view the surrounding circumstances of the case as also concerning the Petitioner and in the absence of any other impediment, it is directed that in the event the Petitioner surrenders before the Court in seisin of the above mentioned case within three weeks hence and move for his release on bail, he shall be released on bail on such terms and conditions as would be deemed just and proper by the said Court with further condition that he will not threaten or terrorize the prosecution witnesses in any manner.

6. The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**