

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1062 of 2022

Saheda Bibi and others

....

Petitioners

-versus-

State of Odisha

....

Opposite Party

CORAM: JUSTICE S. PUJAHARI

ORDER

03.03.2022

Order

No.

01.

1. This matter is taken up through hybrid mode.
2. The Petitioners apprehending their arrest in Kishannagar P.S. Case No.15 of 2022 registered for alleged commission of offences punishable under Sections 498(A), 323, 307, 506 read with Section 34 of the I.P.C. and Section 4 of the Dowry Prohibition Act, 1961, have filed this petition for their release on pre-arrest bail.
3. Heard the learned counsel for the Petitioners and the learned counsel for the State.
4. It appears that the Petitioners No.1 and 2 had earlier approach this Court vide ABLAPL No.7737 of 2021, as they were apprehended registration of the F.I.R. against them, but since the F.I.R. was not registered, this Court was dismissed the bail application giving liberty

to the Petitioners to approach this Court when there is real and substantial apprehension vide order dated 13th September, 2021.

5. The allegation of the prosecution is that the Petitioners, who are the mother-in-law, father-in-law, brother-in-law (Dedhasura) and sister-in-law (Nananda) of the Victim-Informant, along with the husband of the Victim-Informant stated to have tortured the Victim-Informant for non-fulfillment of their illegal demand of dowry and also they made an attempt to kill her by throttling her neck.

6. Regard being had to the facts and submissions made, especially the nature of accusation including the accusation under Section 307 of I.P.C., character of incriminating materials, circumstances in which the offences stated to have been committed, the fact that the matter arises out of marital discord and also it being not disputed that the Petitioners' release on pre-arrest bail shall not be an hindrance to a free and fair investigation, this Court is of the view that the Petitioners have made out a case for their release on pre-arrest bail, more particularly when they are ready and willing to cooperate with the investigation and they have no chance of absconding and/or tampering with the prosecution evidence, if released on pre-arrest bail.

7. Hence, this Court directs that in the event of arrest of the Petitioners in connection with the aforesaid case, they be released on

bail by the Officer effecting arrest on such terms and conditions as deemed just and proper.

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

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

10. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge

DA

