

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1152 of 2022

1. Nilu Mandal

2. Deepak Mandal

....

Petitioners

Mr. J.K. Mohanty, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. A.K. Beura,

Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

08.02.2022

Order No.

01.

This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).

Heard the learned counsel for the petitioners and learned counsel for the State.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in connection with G.R. Case No.57 of 2022 arising out of Ersama P.S. Case No.27 of 2022 pending in the Court of learned J.M.F.C., Ersama for alleged commission of offences under sections 498-A/302/304-B/34 of the Indian Penal Code read with section 4 of the D.P. Act.

Perused the first information report annexed to the anticipatory bail application.

Learned counsel for the petitioners submitted

that the petitioners are the in-laws of the deceased Surmita Pati and there is no specific overt act alleged against them and the husband of the deceased has already been arrested and he is in judicial custody and the deceased consumed poison and she was hospitalized and subsequently, she died and the information about her death was given by the petitioners to her family members but all the same, a false case has been foisted. It is further submitted that it may at best a case under section 306 of the Indian Penal Code but deliberately the case has been registered under higher offences and therefore, the anticipatory bail application of the petitioners may be favourably considered.

Learned counsel for the State opposed the prayer for anticipatory bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioners, while not inclining to grant anticipatory bail to the petitioners, it is observed that in the event the petitioners surrender in the Court below within a period of four weeks from today and move for bail before the learned Court below, the same shall be disposed of as expeditiously as possible by the Courts below in accordance with law. The case records shall be made available to the Court concerned for adjudication of the bail

application.

The ABLAPL is accordingly disposed of.

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

(S.K. Sahoo)
Judge

RKM

