

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1476 of 2021

1. Situ Swain

2. Smt. Subhasmita Swain Petitioners
@ Subha Swain

Mr.S.K.Dash, Advocate

-versus-

State of Odisha

.... Opp. Party

Mrs. Susamarani Sahoo,
Addl. Standing Counsel

CORAM:
JUSTICE S.K. SAHOO

ORDER
16.02.2022

Order No.

04. 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 of Cr.P.C. for grant of anticipatory bail to the petitioners in connection with Dhenkanal Sadar P.S. Case No. 46 of 2021 corresponding to G.R. Case No. 108 of 2021 pending in the Court of learned S.D.J.M., Dhenkanal for the commission of the alleged offences punishable under sections 341, 294, 323, 306, 355/34 of the Indian Penal Code.

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

Learned counsel for the petitioners submitted that the deceased was the younger brother of petitioner no.1 and petitioner no.2 is the wife of petitioner no.1 and there was property dispute between the brothers and after the deceased committed suicide, false case has been foisted by the father of petitioner no.1 so also the deceased. It is further submitted that the ingredients of the offence under section 306 of the Indian Penal Code are not attracted and therefore, the anticipatory bail application may be favourably considered. Learned counsel for the petitioners placed reliance on the sale deed and records of right, which are annexed to the anticipatory bail application as Annexure-2 series in support of his contention.

Learned counsel for the State, on the other hand, opposed the prayer for anticipatory bail and drew the attention of the Court to the F.I.R. where specific overt act is alleged against the petitioners.

In view of the materials available on record, the nature and gravity of accusation and the surrounding circumstances under which the deceased committed suicide, while not inclining to grant anticipatory bail to the petitioners, it is observed that in the event the petitioners surrender and move for bail in the Court below within a period of four weeks from today, the

same shall be disposed of by the learned Court in seisin over the matter in accordance with law expeditiously. The case records shall be made available to the Courts concerned for disposal of the bail application.

The ABLAPL stands disposed of.

The interim order dated 04.03.2021 stands vacated.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge



PKSahoo