

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1433 of 2022

Kadambini Roul @ Rubi* *Petitioner

Mr. D. Das, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. A.K. Beura,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
22.02.2022**

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

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

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with G.R. Case No.988 of 2016 arising out of Tirtol P.S. Case No.277 of 2016 pending in the Court of learned J.M.F.C., Tirtol for alleged commission of offences under sections 498-A/494/34 of the Indian Penal Code.

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

Learned counsel for the petitioner submitted that though initially the case was registered under

sections 498-A/304-B/294/494/201/34 of the Indian Penal Code on the first information report of one Prasanta Ray Tapachary, the brother of the deceased but on completion of investigation, charge sheet has been submitted against the petitioner under sections 498-A/494/34 of the Indian Penal Code. Learned counsel further submitted that the allegation against the petitioner that she is the alleged second wife of the husband of the deceased and there is no specific overt act alleged against her and keeping in view the proviso to section 437(1) Cr.P.C., the anticipatory bail application of the petitioner may be favourably considered. Learned counsel for the petitioner placed the relevant portion of the charge sheet, which has been annexed to the anticipatory bail application.

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 petitioner, since charge sheet has been submitted under Magistrate triable offences and keeping in view the proviso to section 437(1) Cr.P.C., I am inclined to release the petitioner on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner in connection with the aforesaid case, she shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties each for the

like amount to the satisfaction of the arresting officer with further conditions that she shall make herself available for interrogation by the I.O. as and when required and she shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the Investigating Officer.

Violation of any of the above conditions shall entail cancellation of bail.

The ABLAPL is accordingly disposed of.

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

(S.K. Sahoo)
Judge

RKM

