

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1480 of 2022

1. Mangalu Meher

2. Parimita Meher

.... Petitioners

Mr. A. Mishra, Advocate

-versus-

State of Odisha

.... Opp. Party

Mr. A. Das,

Addl. Government Advocate

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

**ORDER
11.05.2022**

Order No.

02.

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.252 of 2021 arising out of Sonapur P.S. Case No.268 of 2021 pending in the Court of learned S.D.J.M., Sonapur for alleged commission of offences under sections 498-A/304-B/302/34 of the Indian Penal Code read with section 4 of the D.P. Act.

Perused the F.I.R.

Learned counsel for the State on instruction

submitted that charge sheet has been submitted on 27.01.2022 against one Harisankar who is the husband of the deceased Banita Meher under section 498-A/304-B/306/34 of the Indian Penal Code and section 4 of the D.P. Act and the investigation was kept open and during course of further investigation, the materials have been found against the petitioners and therefore, there is apprehension of arrest of the petitioners.

Learned counsel for the petitioners submitted that the husband of the deceased is now in judicial custody and petitioner no.1 is the father-in-law, petitioner no.2 is the sister-in-law of the deceased and therefore, the bail application of the petitioners may be favourably considered.

Considering the submissions made by the learned counsel for the respective parties, while not inclining to release the petitioners on anticipatory bail, 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, the same shall be disposed of as expeditiously as possible by the Courts below in accordance with law and claim of parity with the co-accused, who is stated to have been released on bail, shall be taken into account at the time of adjudication of the bail application. The case records shall be made available to the Court

concerned. While adjudicating the bail application, the learned Courts below shall take into account the proviso to section 437(1) of Cr.P.C. so far as petitioner no.2 is concerned.

The ABLAPL is accordingly disposed of.

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

(S.K. Sahoo)
Judge

