

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1816 of 2022

Mahesh Bamil

....

Petitioner

Mr. Sushanta Harichandan, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Shashanka Patra, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

11.08.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail.
4. It is submitted by learned counsel for the Petitioner that although initially the case was registered for commission of offence under Sections 498-A/406/307/420/34, I.P.C., however, after conclusion of the investigation, charge-sheet has been filed under Section 498-A/406/506/34, I.P.C. and Section 4 of D.P. Act. Therefore, charge of offence under Sections 307 and 420, I.P.C. have been dropped after the investigation is completed.
5. On a plain reading of the F.I.R., it appears that the Petitioner's family has not returned the dowry articles including

some gold ornaments to the Informant which were given by the Informant at the time of marriage.

6. Taking into considering the entirety of the allegation, gravity of the offence and facts of the case, although I am not inclined to grant anticipatory bail to the Petitioner, however it is observed that, in the event the Petitioner surrenders before the learned J.M.F.C., Tirtol in G.R. Case No.130 of 2018 corresponding to Tirtol P.S. Case No.45 of 2018 within a period of three weeks from today, the Petitioner shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper in the facts and circumstances of the case

Further, while imposing conditions for bail, learned Magistrate shall also impose the conditions whereby the Petitioner shall return all the dowry articles to the Informant including the gold ornaments which were taken by him from the Informant at the time of marriage.

The Petitioner shall also not threaten, terrorise, ill-treat, harass or influence upon the Informant and her family members in any manner whatsoever.

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

7. The ABLAPL is disposed of accordingly.

8. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge