

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2413 of 2021

Kasinath Behera **Petitioner**

Mr.L. Mahapatra, Advocate

-versus-

State of Odisha **Opp. Party**

*Mr.J.P. Patra,
Addl. Standing Counsel
Mr. A.K.Das, Advocate (for the
informant)*

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

**ORDER
15.02.2022**

Order No.

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

Heard the learned counsel for the petitioner and learned counsel for the State as well as learned counsel for the informant.

This is an application under section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Balipatna P.S. Case No. 197 of 2020 corresponding to G.R. Case No. 462 of 2020 pending in the Court of learned J.M.F.C. (O), Bhubaneswar for the commission of the alleged offences punishable under sections 498-A, 506, 304-B/34 of the Indian Penal Code and section 4 of the

Dowry Prohibition Act.

Learned counsel for the petitioner submitted that the petitioner is the husband of the deceased and the victim was suffering from various ailments for which she was hospitalized and during the course of treatment, she died. Learned counsel further submitted that the ingredients of the offence under section 304-B of the Indian Penal Code are not made out and the matter has already been amicably settled between the parties and therefore, the anticipatory bail application may be favourably considered.

An affidavit has been filed by the father of the deceased relating to the amicable settlement of the dispute.

Learned counsel for the State opposed the prayer for anticipatory bail and submitted that the paternal family members of the deceased have stated about the torture on the deceased in connection with demand of dowry and the deceased died on consuming poison and the main allegation is against the petitioner, who is the husband of the deceased.

Considering the submissions of the learned counsel for the respective parties, the nature and gravity of accusation, while not inclining to grant anticipatory bail to the petitioner, it is observed that in the event the petitioner surrenders and moves 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 17.03.2021 stands vacated.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge



PKSahoo