

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2591 of 2021

Manorama Pal

....

Petitioner

Mr. P.K. Nayak, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. D.K. Pani,

Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

15.02.2022

Order No.

04. 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.2375 of 2020 arising out of Cuttack Sadar P.S. Case No.563 of 2020 pending in the Court of learned J.M.F.C.(R), Cuttack for alleged commission of offences under sections 498-A/302/304-B/34 of the Indian Penal Code read with section 4 of the D.P. Act.

Perused the F.I.R.

Learned counsel for the petitioner submitted that the petitioner is the mother-in-law of the deceased and the husband and brother-in-law of the deceased were taken into custody and they have already been released

on bail and the charge sheet has also been submitted against the husband and brother-in-law of the deceased keeping the investigation open and the post mortem report indicates that the cause of death of the deceased was on account of asphyxia and venus congestion and it is a case of suicidal hanging but all the same, the first information report was registered under section 302 of the Indian Penal Code and in view of the available material on record 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 State submitted that the record shows that the mother-in-law of the deceased is known as Minakhi Pal and not Manorama Pal. He further submitted that against the mother-in-law there are accusation that she along with other co-accused persons were subjecting the deceased to physical and mental torture in connection with demand of dowry and previously there was dissention between the parties and in that respect, an undertaking was given by the in-laws family members not to torture the deceased but again the same thing was repeated.

Considering the submissions made by the learned counsel for the respective parties, the nature and gravity of the accusation against the petitioner, while not inclining to grant anticipatory bail to the petitioner, it is observed that in the event the petitioner surrenders in the Court below within a period of four weeks from today and moves for bail before the learned Court below, 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 persons, who are stated to have been released on bail, so also proviso to section 437(1) Cr.P.C. 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.

The ABLAPL is accordingly disposed of.

Interim order dated 18.03.2021 stands vacated.

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

(S.K. Sahoo)
Judge



RKM