

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2719 of 2021

1. Suresh Malik
2. Basanti Malik
3. Kailash Malik
4. Annapurna Malik **Petitioners**

Mr.S.K. Mohanty, 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.

06. 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 of Cr.P.C. for grant of anticipatory bail to the petitioners in connection with Nikirei P.S. Case No. 23 of 2021 corresponding to G.R. Case No. 319 of 2021 pending in the Court of learned S.D.J.M., Kendrapara for the commission of the alleged offences punishable under sections 498-A, 302/34 of the Indian Penal Code.

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

Learned counsel for the petitioners submitted that the petitioner no.1 is the husband and the other petitioners are the in-laws of the deceased respectively and the marriage of the deceased with the petitioner no.1 was solemnized in the year 2007 and they were blessed with three daughters and one son and the deceased died by drowning in a pond while she was bathing, but at a subsequent stage, F.I.R. has been lodged for the offence under section 302 of the Indian Penal Code even though there is no material to attract the said offence and therefore, the anticipatory bail application may be favourably considered.

Learned counsel for the State opposed the prayer for bail.

In view of the materials available on record and the nature and gravity of accusation, while not inclining to grant anticipatory bail to the petitioners, it is observed that in the event the petitioners surrender and move 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 11.08.2021 stands vacated.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge