

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2730 of 2021

- 1. Ajay Kumar Polei**
- 2. Bauribandhu Polei**
- 3. Jhunu Polei**

.... **Petitioners**

Mr. S. Pattanayak, Advocate

-versus-

State of Odisha

.... **Opp. Party**

Mr. A.K. Beura,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

22.02.2022

Order No.

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

Mr. Sankarsan Dalei, the Inspector in-charge of Nimapara Police station is present through virtual mode and submitted that he had earlier sent the case diary to the learned Advocate General Office but he could not obtain the 164 Cr.P.C. statement of the victim at an earlier stage for which the same could not be sent and now he has received the same and in view of the statement of the victim recorded under section 164 of Cr.P.C., the offences under sections 363 and 366 of the Indian Penal Code are not attracted

and that has already been reflected in the case diary.

Heard 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.762 of 2019 arising out of Nimapara P.S. Case No.322 of 2019 pending in the Court of learned J.M.F.C., Nimapara for alleged commission of offences under sections 498-A/294/323/363/366/34 of the Indian Penal Code read with section 4 of the D.P. Act.

Perused the F.I.R.

Considering the submissions made by the learned counsel for the petitioners that the petitioner no.1 is the husband and petitioner no.2 is the father-in-law and petitioner no.3 is the mother-in-law of the informant and the case arises out of a matrimonial dispute and after going through the 164 Cr.P.C. statement of the victim and on hearing the learned counsel for the State, I am inclined to release the petitioners on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioners in connection with the aforesaid case, they shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties each for the like amount to the satisfaction of the arresting officer with further conditions that they

shall make themselves available for interrogation by the I.O. as and when required and they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the Investigating Officer.

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

The ABLAPL is accordingly disposed of.

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

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