

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2939 of 2021

Jiban Jena

....

Petitioner

Mr. S.S. Parida, Advocate

-versus-

State of Odisha

....

Opp. Party

*Smt. Susamarani Sahoo,
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.51 of 2021 arising out of Keonjhar Town P.S. Case No.13 of 2021 pending in the Court of learned S.D.J.M., Keonjhar 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 father-in-law of the deceased and the husband of the deceased was taken into custody and though the case was registered under section 302 of the

Indian Penal Code but the same was deleted and the case has turned to one under section 306 of the Indian Penal Code and it was found that it is a case of suicidal hanging as per the post mortem report findings and the husband of the deceased has been released on bail and therefore, the anticipatory bail application of the petitioner may be favourably considered.

Learned counsel for the State opposed the prayer for anticipatory bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of 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, who is stated to have been released on bail, 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 22.04.2021 stands vacated.

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

(S.K. Sahoo)
Judge