

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3943 of 2022

Pranabandhu Lenka and others *Petitioners*
Mr. Trilochan Nanda, Advocate
-versus-
State of Odisha *Opp. Party*
Mr. S. Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

22.09.2022

Order No.

04. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.
4. The petitioners are seeking pre-arrest bail in connection with G.R. Case No.162 of 2022, arising out of Chandanpur P.S. Case No.72 of 2022 pending in the court of learned Nyayadhikari, Grama Nyayalaya, Puri for commission of offences punishable under Sections 498-A/304-B/302/34, I.P.C. read with Section 4 of the D.P. Act.
5. It is submitted by learned counsel for the petitioners that the husband of the deceased, who is the principal accused had been arrested in the time and he has been released on bail by the learned 2nd Additional Sessions Judge, Puri in Bail Application No.1136 of 2022 vide order dated 02.09.2022. While releasing the principal accused-Kamala Lochan Lenka on bail, the court has observed that

as per the F.I.R. allegation, present petitioner has been falsely implicated in the present case and not a single medical documents is available on record either from the DHH, Puri or from SCB Medical College and Hospital, Cuttack has not received burn injuries. Further, it is observed by the learned court in seisin over the matter that charge-sheet has been filed by the police and the police has filed an application for inquest report and the Post-mortem examination report before the learned court below along with charge-sheet. It is also observed that there are no eye witnesses in the alleged incident. Further, perusal of the order dated 02.09.2022, which reveals that entire allegation is against the husband of the deceased and the charge-sheet has been filed only against the husband-Kamal Lochan Lenka.

6. Learned counsel appearing for the informant and opposes the prayer for bail of the petitioner.

7. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioners. However, it is directed that in the event the petitioners surrender and move an application for bail before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, they shall be released on bail on such terms and conditions as would be deemed just and proper.

8. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge

