

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.4081 of 2022

Chaitanya Sasmal & Others

.... ***Petitioners***
Mr.J.K. Majhi, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Miss. Samapika Mishra, ASC

**CORAM:
MR. JUSTICE D.DASH**

ORDER

01.11.2022

Order No.

02. 1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. This is the second journey of these petitioners in carrying this application under section 438, Cr.P.C. for their release on bail in the event of their arrest in connection with Baliapal P.S. Case No.190 of 2020 corresponding to C.T. No.940 of 2020 pending in the court of the learned J.M.F.C., Basta for alleged commission of offence under sections 498-A/302/304-B/34, I.P.C. read with section 4 of the D.P. Act.
3. Learned counsel for the Petitioners submits that in the meantime investigation being complete, charge-sheet has already been submitted and these Petitioners who are the in-laws of the deceased have been placed for trial for commission of offence under sections 498-A/34, I.P.C. whereas accused Saroj Sasmal has been placed to face the trial for commission of offence under sections 498-A/304-B/306/34, I.P.C. and section 4 of the D.P. Act. He submits that in course of investigation no such material have been collected to connect

these Petitioners with the commission of offence under sections 304-B and section 306, I.P.C. and, therefore, it is a fit case for reconsideration of the prayer for grant of anticipatory bail to these Petitioners as their likely arrest and detention would serve no useful purpose.

4. Learned counsel for the State does not dispute the position that these Petitioners as per the charge-sheet have been placed to face the trial for commission offence under sections.498-A/34, I.P.C.

4. Considering the submissions and on going through the materials on record including the changed circumstances as stated above, while being inclined to reconsider the prayer for grant of anticipatory bail to these Petitioners, it is directed that in the event the Petitioners surrender before the Court in seisin of the case in connection with the afore-mentioned case within three weeks hence and move for their release on bail, they shall be released on bail on such terms and conditions as would be deemed just and proper by the said Court.

5. The ABLAPL is accordingly disposed of.

6. Issue urgent certified copy as per rules.

(D. Dash)
Judge