

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6076 of 2022

Sumitra Swain @ Sumi* *Petitioner

Mr. S. Dwibedi, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. Arupananda Das,
Addl. Government Advocate*

CORAM:

JUSTICE S.K. SAHOO

ORDER

22.06.2022

Order No.

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

Heard the learned counsel for the petitioner and learned counsel for the State.

This is an application under section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Ranpur P.S. Case No. 193 of 2017 corresponding to G.R. No.189 (A) of 2017 pending in the Court of learned J.M.F.C., Ranpur for the commission of the alleged offences punishable under sections 498-A, 304B, 306/34 of the Indian Penal Code and section 4 of the Dowry Prohibition Act.

Perused the F.I.R. annexed to the anticipatory bail application.

Learned counsel for the petitioner submits that the petitioner is the elder sister in-law of the deceased Mili Swain and in connection with whose death, the F.I.R. was registered on 24.07.2017 and on completion of investigation, charge

sheet has been submitted against the petitioner and others under sections 498-A, 304B, 306/34 of the Indian Penal Code and section 4 of the Dowry Prohibition Act. It is further submitted that the co-accused Sudhir Kumar Swain, who was taken into custody has already been released on bail by this Court in BLAPL No. 8474 of 2017. Learned counsel further submitted that the petitioner was residing in a separate mess and therefore, the ingredients of the offences are not attracted and thus, the anticipatory bail application may be favourably considered.

Learned counsel for the State opposed the prayer for anticipatory bail on the ground that prima facie case is available against the petitioner.

Considering the submissions made by the learned counsel for the respective parties, the nature and gravity of accusation, while not inclining to grant anticipatory bail to the petitioner, liberty is granted to her to surrender and move for bail in the Court below within a period of four weeks from today in the event of which the learned Courts below shall dispose of the same in accordance with law keeping in view the proviso to section 437(1) of Cr.P.C. The case records shall be made available to the Courts concerned for disposal of the bail application.

The ABLAPL stands disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge