

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6486 of 2022

**1. Susama Ghosh
2. Sanjib Ku. Ghosh
3. Manini Ghosh**

.... Petitioners

Mr.Sanjib Swain, Advocate

-versus-

State of Odisha

.... Opp. Party

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
15.12.2022**

Order No.

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

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 petitioner in connection with Pipili P.S. Case No.460 of 2021 corresponding to G.R. Case No.655 of 2021 pending in the file of learned J.M.F.C., Pipili for alleged commission of offences under sections 498-A, 306 read with section 34 of the Indian Penal Code and section 4 of the D.P. Act.

Learned counsel for the petitioners submitted

that the petitioner no.1 is the mother in-law, petitioner no.2 is the brother-in-law and petitioner no.3 is the sister-in-law of the deceased Sasmita @ Mita Ghosh and they have been charge sheeted under sections 498-A, 306 read with section 34 of the Indian Penal Code and section 4 of the D.P. Act. It is further submitted that the marriage of the deceased was solemnized with one Ranjit Kumar Ghosh twelve years prior to her death. It is further submitted that when the deceased sustained burn injuries, she was shifted to hospital and while being treated as an indoor patient in SUM Hospital, Bhubaneswar, her dying declaration was recorded and to the specific questions put by the Asst. Professor of Department of plastic surgery who recorded her dying declaration on 14.10.2021 as to whether anybody is responsible for her mishap and whether anybody has harassed her in her family, the answer given is "No". Learned counsel for the petitioner submitted that the husband of the deceased, namely, Ranjib Kumar Ghosh has already been released on bail by this Court in BLAPL No.1457 of 2022 as per the order dated 10.03.2022. The copy of the bail order is produced and taken on record.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the nature

of accusation against the petitioners, since the deceased has given a clean chit to the petitioners in her dying declaration and taking into account the release of the husband of the deceased on bail, I am not inclined to release 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.

(S.K. Sahoo)
Judge