

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7273 of 2022

Laxmidhar Giri

....

Petitioner

Mr. Pabitra Kumar Nayak, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Shashanka Patra, A.S.C.

Mr. M.R. Dash, Adv. for Informant

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

17.10.2022

Order No.

04. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner, learned counsel for the State and learned counsel for the Informant.
3. On consent of the parties, this matter was send to the Mediation Centre of the Orissa High Court, and after the mediation proceeding, the learned Coordinator of the Mediation Centre has submitted her report dated 12.10.2022. It appears from the Mediation Report that the mediation was partly successful. Further the said report reveals that certain dowry articles were returned to the Informant. However, learned counsel appearing for the Informant submits that in the Mediation Report it has been mentioned that the Petitioner has refused to return the gold & silver ornaments to the Informant. In reply, the learned counsel for the Petitioner submits

that the Informant has already taken away all such gold & silver ornaments with her when she left her matrimonial house.

4. In any case, the same is a matter of trial and can only be decided by the trial court after evidence being led by both the sides.

5. Considering the aforesaid facts and submission, seriousness of the allegation and gravity of the offence, although I am not inclined to grant anticipatory bail to the Petitioner, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned S.D.J.M., Rairangpur in C.T. Case No.474 of 2022 corresponding to Rairangpur Rural P.S. Case No.67 of 2022 within a period of three weeks from today, he shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper in the facts and circumstances of the case, but subject to the following further conditions –

(i) The Petitioner shall appear before the I.O. and shall cooperate with the investigation as and when required;

(ii) While on bail, the Petitioner shall not threaten, terrorise, ill-treat or harass the Informant and her family members or the prosecution witnesses in any manner whatsoever; and

(iii) He being the husband, shall take care and look after the wellbeing of the Informant and shall provide monthly maintenance as fixed by the competent court (Family Court) to the Informant so long as the matrimonial relationship subsists between them as per law.

Violation of any of the conditions shall entail cancellation of bail of the Petitioner.

6. The ABLAPL is disposed of accordingly.
7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge

S.K.Parida

