

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7615 of 2022

Harapriya Rath

Petitioner

....
Mr. Jyotirmaya Sahoo, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. S.Mishra, A.S.C.

**CORAM:
JUSTICE A.K.MOHAPATRA**

ORDER
27.09.2022

Order No.

06. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner, learned Addl. Standing Counsel for the State. Perused the records.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 498-A, 302, 304-B/34 of the Indian Penal Code read with Section 4 of the D.P.Act.
4. It is submitted by the learned counsel for the Petitioner that the present Petitioner is the sister-in-law of the deceased. It is further submitted by the learned counsel for the Petitioner that the deceased confined herself in a room and bolted the door from inside. Further, it is submitted that she committed suicide by hanging herself on the roof of the house. He further submits that the door was broken open and when the door was opened it was found that she was hanging. By referring to the Case Diary, learned counsel for the Petitioner

submits that it is a fact that the deceased committed suicide inside her room. Her body was recovered from the room in presence of the Executive Magistrate. It is further submitted by the learned counsel for the Petitioner that the independent witnesses also stated the aforesaid fact. Further, the death of the deceased was due to hanging is confirmed by the P.M. examination report of the deceased.

5. Considering the fact that the victim is a lady and the deceased has committed suicide confining herself in a room by closing the room from inside and the fact that the allegations are omnibus in nature, 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 J.M.F.C., Tangi in G.R.Case No.242 of 2022 corresponding to Nirakarpur P.S. Case No.98 of 2022 within a period of three weeks from today, she 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 to verification of criminal antecedents of similar nature.

While imposing conditions for bail, learned Magistrate shall also impose the following additional conditions –

- (i) The Petitioner shall appear before the I.O. and shall cooperate with the investigation as and when required by the I.O.;
- (ii) He shall appear before the trial court on each and every date fixed
- (iii) He shall not threaten, influence or terrorise the witnesses including the informant in any manner whatsoever while on bail.

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

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

(A.K. Mohapatra)
Judge

RKS

