

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11398 of 2019

Priyanka Pradhan @ Dehury & Another ***Petitioner***

Mr. Arijeet Mishra, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. Anupam Rath, ASC
Mr. Ramesh Chandra Behera (Informant)

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

ORDER
28.03.2022

Order No.

04. 1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. Learned counsel for the Petitioners submits that in this case investigation being complete; charge-sheet has been submitted placing the Petitioners and others to trial for commission of offence under sections 498-A/306, I.P.C. He further submits that as per the prosecution case these Petitioners were not present at home at that time when incident took place, and the Petitioner No.2 was in his service place whereas the Petitioner No.1 was then staying in a rented house at Angul. It is also his submission that even accepting the F.I.R. version, the sister of the deceased (Informant) is not stating therein that her sister (deceased) at any time told her about any demand of dowry and torture being meted out at her by these Petitioners who are the sister of the husband of the deceased and her husband, when such allegations stand against co-accused, who happens to be the mother-in-law of the deceased. It is submitted that the declaration made by the deceased before her death also runs in that line. In view of all these above, he urges for grant of

anticipatory bail to this Petitioners as there remains no scope on their part to flee from justice and tamper the evidence as also when they having been granted interim protection with effect from 06.09.2019 have cooperated with the investigation without misusing the liberty.

3. Learned counsel for the Informant opposes the move. According to him the death of the deceased having taken place on account of strangulation and its nature thus being homicidal, the Petitioner being the relations of the husband of the deceased cannot wriggle out of the criminal liability.

4. Learned counsel for the State having placed the Case Diary does not dispute the position that the F.I.R. is silent with regard to any torture being meted out at the deceased by the Petitioners as also his presence on that date at home.

5. Considering the submissions and on going through the nature of accusations; further keeping in view the surrounding circumstances of the case as also concerning the Petitioners and in the absence of any other impediment, it is directed that in the event the Petitioners surrender before the Court in seisin of the case in connection with Bantala P.S. Case No.128 of 2019 corresponding to G.R. Case No.1498 of 2019 pending on the file of learned S.D.J.M., Angul 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 with further condition that they will not threaten or terrorize the prosecution witnesses in any manner.

4. The ABLAPL is accordingly disposed of.

5. Issue urgent certified copy as per rules.

(D. Dash)
Judge