

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8360 of 2022

Satyabhama Rout & another ***Petitioners***

Mr. Bibhuti Ranjan Mohanty, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr. M.K. Mohanty, A.S.C.

Mr. H.K. Ratsingh, Advocate (for Informant)

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

27.07.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners, learned Addl. Standing Counsel for the State and learned counsel for the Informant.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail.
4. Learned counsel for the Petitioners submits that the present Petitioners are sister-in-law and brother-in-law of the main accused Mahendra Rout. It is alleged that said Mahendra Rout married to the daughter of the Informant on 10.06.2015. Thereafter they were staying together at Bhubaneswar. After the marriage, dispute arose with regard to demand of dowry, as a result of which the daughter (deceased) of the informant was tortured by her husband and brother-in-law's family members. Finally, she died in a suspicious

circumstance, for which investigation by police is going on. Learned counsel for the Petitioners submits that, it is a case of suicide.

5. Learned counsel for the Informant on the other hand submits that the daughter of the Informant was being tortured by all the family members of the Petitioners. It is further alleged that, initially F.I.R. was not registered by the police. However, when the Informant approached this Court by filing an application to register a CRLMP, pursuant to the direction of this Court, F.I.R. was registered and investigation in the case started. It is further submitted that the statement of the witnesses have not been recorded properly, i.e. not done in presence of such witnesses. Therefore, learned counsel for the Informant expresses his displeasure so far as investigation of the case is concerned.

6. Learned counsel for the Petitioners on the other hand submits that the present Petitioners, who are sister-in-law and brother-in-law of the victim, were staying in village Banapur under Binjharpur P.S. in Jajpur district, which is more than 100 kilometers away, and the victim and the principal accused were staying at Bhubaneswar. It is further contended that the alleged occurrence took place in the house of the principal accused at Bhubaneswar. On such ground, the learned counsel for the Petitioners submits that the present Petitioners are no way involved in the alleged crime.

7. On a careful reading of the F.I.R. it appears that the Informant has referred to the statement of the young girl aged about 4 years, who has narrated, after the occurrence, that her father, i.e. the principal accused Mahendra Rout assaulted her mother (victim), as a result of which the victim committed suicide.

8. Having heard learned counsels for the parties, taking into consideration the materials available on record and the entire facts and circumstances of the present case, although this Court is not inclined to grant anticipatory bail to the Petitioners, however it is observed that, in the event the Petitioners surrender before the learned S.D.J.M., Bhubaneswar in C.T. Case No.1673 of 2022 corresponding to Sahid Nagar P.S. Case No.109 of 2022 within a period of three weeks from today, the Petitioners 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. Further, while imposing conditions, learned Magistrate shall add the conditions that the Petitioners shall cooperate in the investigation and shall appear before the trial court on each and every date fixed. Violation of any of the terms and conditions shall entail cancellation of the bail of the petitioner.

9. The ABLAPL is disposed of accordingly.

10. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge