

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8705 of 2022

Pradeep Sahu & others

....

Petitioners

Mr. Abhaya Kumar Parida, Advocate

-versus-

State of Odisha

....

Opp.Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

01.08.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner Nos. 1 to 5 and the learned Additional Standing Counsel. Perused the records.
3. This is an application under Section 438 Cr.P.C. filed by the Petitioners for anticipatory bail.
4. It is submitted by the learned counsel for the Petitioners that the Petitioners have been falsely implicated in this case due to family disputes between both the families. It is also submitted by the learned counsel for the Petitioners that no deamdn was made from the side of the Petitioners at the time of marriage and no dowy aricles were given to the Petitioners. The materials available on record do not make out a prima facie case under section 498-A of the Indian Penal Code against the Petitioner.
5. Considering the nature of allegations made, gravity of the

offence and the fact of the case, I am not inclined to grant anticipatory bail to the Petitioner Nos.1 to 5. However, it is directed that in the event the Petitioner Nos. 1 to 5 surrender before the learned J.M.F.C., Muribahal in G.R.Case No.89 of 2022 arising out of Muribahal P.S.Case No.94 of 2022 within a period of three weeks from today and move for bail, they shall be released on bail on such terms and conditions as would be deemed just and proper by the learned Magistrate with further condition that the Petitioner Nos.1 to 5 shall not harass, torture and ill-treat the informant and her family members while on bail in any manner whatsoever.

6. The Petitioner No.6 is apprehending his arrest for the alleged commission of offence under Sections 498-A, 323, 506/34 of the Indian Penal Code read with section 4 of the Dowry Prohibition Act in G.R.Case No. 89 of 2022 arising out of Muribahal PS.Case No.94 of 2022 of the Court of the learned J.M.F.C., Muribahal.

7. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioner No.6.

8. However, on the submission of the learned counsel, the Petitioner No.6 is given liberty to surrender before the learned J.M.F.C., Muribahal in the aforesaid case in the first hour within 21 working days hence and move for bail. On such event, the learned Magistrate shall consider his for bail in the first hour strictly on the basis of the materials on record. In case of rejection of the bail application, the Petitioner No.6 may move for bail before the higher forum in the second hour. On such event, the higher forum shall consider and dispose of the bail application of the Petitioner No.6 on the same day strictly on the basis of the materials on record.

9. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the Petitioner No.6,

if applied for.

10. The ABLAPL is accordingly disposed of.
11. Issue urgent certified copy of the order as per Rules.

(A.K. Mohapatra)
Judge

RKS

