

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8807 of 2022

Aftab Alam and others

Petitioners

....

Mr. H.S.Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER
23.09.2022

Order No.

03. 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. Perused the records.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 498,302,304-B,312/34 of the Indian Penal Code read with Section 4 of the D.P.Act.
4. It is submitted by Mr.Mishra, learned counsel for the Petitioners that the victim has committed suicide due to ill health. He further submits that initially a U.D.Case No.7 of 2022 was registered by the I.I.C., Orient P.S. and forwarded to the Court of the learned S.D.J.M., Jharsuguda registered as U.D.G.R.Case No.65 of 2022. It is further submitted by the learned counsel for the Petitioners that when the victim committed suicide nobody was present in the house.

Further, it is submitted by the learned counsel for the Petitioners that the F.I.R. was lodged by the father of the victim making omnibus allegations against the husband after about four months from the date of death of the victim. On such ground, learned counsel for the Petitioner urges that the Petitioner be released on bail subject to any terms and conditions.

5. Learned Additional Standing Counsel on the other hand opposes the bail application on the ground that the investigation is still on. However, he does not dispute the fact that initially U.D.case was registered and the victim has committed suicide. He further submits that as per the allegation in the F.I.R. there are some allegation of dowry torture and harassment. However, he further submits that when she committed suicide nobody were present in the house.

6. Considering the seriousness of the allegation, gravity of the offence and the facts of the case, although I am not inclined to grant anticipatory bail to the Petitioners, however it is observed that, in the event the Petitioners surrender and move for bail before the learned S.D.J.M., Jharsuguda in C.T.Case No.1222 of 2022 corresponding to Orient P.S. Case No.81 of 2022 within a period of three weeks from today, they 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.

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

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

- (ii) They shall not tamper with the prosecution evidence in any manner whatsoever while on bail.
- (iii) They shall appear before the trial court on each and every date fixed.

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

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

(A.K. Mohapatra)
Judge

RKS

