

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9106 of 2022

***Sushree Priya Swain @ Priyanshi
Khuntia***

....

Petitioner

Mr. P.K. Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Sitikant Mishra, A.S.C.

Mr. Balaram Nayak, Adv. for Informant

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

26.09.2022

Order No.

02. 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 and learned counsel for the Informant.
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, I.P.C. and Section 4 of the D.P. Act.
4. It is submitted by learned counsel for the Petitioner that the present Petitioner is the sister-in-law of the deceased. He further submits that the daughter of the Informant namely Prabhabati Nayak had married to the son of the present Petitioners on 28.04.2022. He further submits that the deceased under the pressure of alleged dowry torture at her in-law house, bolted her room from inside and committed suicide by hanging herself from the roof. In support of his

contention, learned counsel for the Petitioner refers to the evidence of some of the independent witnesses, who were examined and they have categorically stated that, in their presence the door of the deceased-victim was broke opened and they found the deceased-victim was hanging from the ceiling inside the house.

5. Learned counsel for the Informant on the other hand submits that, within few months of the marriage, the daughter of the informant has died. He further submits that, at the time of marriage, demand of dowry of cash of rupees four lakhs and gold ornaments of 20 Bhari were given. Thereafter a further demand of dowry of a gold-bracelet and a four-wheeler were made by the in-law family of the Deceased-victim. He further submits that the occurrence took place on 29.05.2022 and the Informant was intimated over phone by the in-law family of her daughter about the occurrence.

6. On perusal of the F.I.R. and the contentions of the parties, it appears that there is allegation of dowry torture against the in-law family members of the deceased, out of which some are omnibus in nature. However, so far as the husband of the deceased, namely Prakash Kumar Khuntia is concerned, there is no specific allegation of torture against him. Further, it is submitted that said Prakash Kumar Khuntia has already been arrested and is in custody. So far as the present Petitioners are concerned, they are the father-in-law and mother-in-law of the deceased.

7. Considering the aforesaid facts and submissions, and further taking into consideration 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 Petitioner, however it is observed that,

in the event the Petitioner surrenders and moves for bail before the learned S.D.J.M., Bhubaneswar in C.T. Case No.3304 of 2022 corresponding to Khandagiri P.S. Case No.288 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.

However, 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) She shall not try to tamper with the prosecution evidence and shall not threaten, terrorise or harass the prosecution witnesses in any manner whatsoever.
- (iii) She shall appear before the trial court on each date of trial, without fail.

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

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

(A.K. Mohapatra)
Judge

S.K.Parida