

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9377 of 2022

Lipu Naik

....

Petitioner

Mr. Prasanna Kumar Mishra, Advocate

-versus-

State of Odisha & another

....

Opposite Parties

Mr. Shashanka Patra, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

17.10.2022

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
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/323/506, I.P.C.
4. It is seen that, despite the notice issued, none appears for the Informant. However, considering the seriousness of the allegation, gravity of the offence and 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., Kamakhya Nagar in G.R. Case No.479 of 2022 corresponding to Tumusingha P.S. Case No.158 of 2022 within a period of three weeks from today, he 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, but subject to the following further conditions –

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

(ii) The Petitioner shall not threaten, terrorise, ill-treat or harass the Informant and her family members or the prosecution witnesses in any manner whatsoever; and

(iii) Petitioner being the husband, shall take care and look after the wellbeing of the Informant so long as the matrimonial relationship subsists between them as per law. Also, he shall provide day-to-day expenses of the Informant in all respect for her survival.

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

5. The ABLAPL is disposed of accordingly.
6. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge