

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9493 of 2022

Manoj Kumar Mishra

....

Petitioner

Mr. Bikram Rath, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Shashanka Patra, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER
10.08.2022

Order No.

01. 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/323/506/294/34, I.P.C. and Section 4 of the D.P. Act.
4. It is submitted by learned counsel for the Petitioner that marriage between the present Petitioner and the Informant took place in the year 2014. Thereafter they are staying separately since 2017. In the year 2018 the Informant –wife has filed MAT Case No.100 of 2018 in the Civil Judge (Senior Division), Athagarh seeking for divorce. Thereafter the present criminal case has been filed by the Informant making allegations involving above-noted offences.

5. Considering the nature of 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 before the learned S.D.J.M., Athagarh in C.T. Case No.404 of 2022 corresponding to Athagarh P.S. Case No.172 of 2022 within a period of three weeks from today, the Petitioner 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 condition that he shall return the dowry articles to the Informant which he had received from the Informant at the time of marriage.

5. The ABLAPL is disposed of accordingly.

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

(A.K. Mohapatra)
Judge