

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9648 of 2022

Ramesh Sasmal

Petitioner

....

Mr. P.K.Nayak, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.Mishra, A.S.C.

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
20.09.2022**

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. Perused the records.
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, 304-B, 302/34 of the Indian Penal Code read with Section 4 of the D.P.Act.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is the in-law of the deceased victim. Further, it is submitted by the learned counsel for the Petitioner that although the case was initially registered under section 498-A,304-B,302/34 of the Indian Penal Code read with Section 4 of the D.P.Act, Charge Sheet has been filed under sections 498-A,304-B, 306/34 of the Indian Penal Code read with Section 4 of the D.P.Act. Further referring to

the statement of the victim, learned counsel for the Petitioner submits that the independent witnesses, who have been examined by the Police have stated that the present Petitioner was not present at the time of occurrence. Such independent witnesses in their statements stated that the husband of the victim was present and after a quarrel between husband and wife, the wife committed suicide by hanging herself.

5. Learned Additional Standing Counsel also referring to the statement of the independent witnesses confirms the aforesaid fact.

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 Petitioner, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned S.D.J.M., Puri in G.R.Case No.3115 of 2021 arising out of Satyabadi P.S. Case No.397 of 2021 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.

5. The ABLAPL is disposed of accordingly.

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

(A.K. Mohapatra)
Judge