

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9687 of 2022

Anuja Kumar Jena

....

Petitioner

Mr. Asish Kumar Ray, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Shashanka Patra, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

26.09.2022

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/294/323/506/34, I.P.C. and Section 4 of the D.P. Act.
4. On consent of both the parties, this matter was referred to the Mediation Centre of Orissa High Court for an amicable settlement of the dispute through the mechanism of mediation. However, the mediation has failed, as reported by the Mediator.
5. It is alleged by learned counsel for the Petitioner that the wife-Informant did not show her interest to stay with the Petitioner any further.

6. Considering the aforesaid facts and submission, 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., Jagatsingpur in connection with Balikuda P.S. Case No.338 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 by appearing before the I.O. as and when required;

(ii) While on bail, 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.

(iv) He shall provide a sum of Rs.3,000/- (Rupees Three Thousand) to the Informant-wife each and every month towards monthly maintenance, which shall be subject to the final maintenance to be awarded by the competent court, as it is stated that Maintenance Proceeding is pending.

(v) He shall also appear before the trial court on each date fixed for trial, without fail.

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

S.K.Parida

