

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9783 of 2022

Sundari Dhal @ Saraswati Dhal ***Petitioners***
and others

Mr. G. Singh, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

16.08.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.
4. The petitioners are seeking pre-arrest bail in connection with G.R. Case No.619 of 2022, arising out of Bhandaripokhari P.S. Case No.88 of 2022 pending in the court of learned S.D.J.M., Bhadrak for commission of offence punishable under Sections 498-A/323/294/307/506/34, I.P.C. read with Section 4 of the D.P. Act.
5. It is submitted by learned counsel for the petitioners that the petitioner no.1 is the mother-in-law and the petitioner no.2 is the sister-in-law of the victim and the petitioner no.3 is the husband of the deceased. It is further submitted by learned counsel for the petitioners that the matter has been amicably settled between the parties.

6. Considering the nature of allegation, gravity of offence and the facts of the case, I am inclined to release the petitioner no.1-Sundari Dhal @ Saraswati Dhal and petitioner no.2-Basumati Dhal on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner no.1-Sundari Dhal @ Saraswati Dhal and petitioner no.2-Basumati Dhal in connection with the aforesaid case, they shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties each for the like amount to the satisfaction of the arresting officer with further conditions that they shall make themselves available for interrogation by the Investigating Officer as and when required and they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing any facts to the Courts or to the Investigating Officer.

7. So far as petitioner no.3-Bhagirati Dhal is concerned. However, on the submission of the learned counsel, the petitioner no.3-Bhagirati Dhal is given liberty to surrender before the learned S.D.J.M., Bhadrak in the aforesaid case in the first hour within 21 working days hence and move for bail. On such event, the learned Magistrate shall consider his application for bail in the first hour strictly on the basis of the materials on record. In case of rejection of the bail application, the petitioner no.3-Bhagirati Dhal may move for bail before the higher forum in the second hour. On such event, the higher forum shall consider and dispose of the bail application of the petitioner no.3-Bhagirati Dhal on the same day strictly on the basis of the materials on record.

8. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the petitioner, if applied for.

9. The ABLAPL is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

Jagabandhu

(*A.K. Mohapatra*)
Judge

