

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9935 of 2022

Nimai Charan Bhoi @ Das *Petitioner*
Mr.Dhananjaya Nayak, Advocate

-versus-

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

05.09.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for both the parties and perused the records.
3. The Petitioner is apprehending his arrest for the alleged commission of offence under Sections 498-, 302, 304-B, 306/34 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act. in G.R.Case No.834 of 2019 arising out of Cuttack Sadar P.S. Case No.208 of 2019 of the Court of the learned J.M.F.C.(R), Cuttack.
4. It is submitted by the learned counsel for the Petitioner that the victim has committed suicide. Accordingly, at best it can be a case under section 306 of the Indian Penal Code read with section 498-A of the Indian Penal Code. He further submits that the death is not homicidal rather the same is suicidal.

5. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioner.

6. However, on the submission of the learned counsel, the Petitioner is given liberty to surrender before the learned J.M.F.C.(R) Cuttack 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 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 on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

7. 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.

8. The ABLAPL is accordingly disposed of.

9. Issue urgent certified copy of the order as per Rules.

(A.K. Mohapatra)
Judge