

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9975 of 2022

Deepak Kumar Mishra

.... Petitioner

Mr. B.K. Ragada, Advocate

-versus-

State of Odisha

.... Opposite Party

Mr. Shashank Patra, A.S.C.

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

**ORDER
24.08.2022**

Order No.

02. 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 354/354-A/420/34, I.P.C. and Section 66-D of the I.T. Act.
4. Learned counsel for the Petitioner submits that admittedly there is dispute between the Informant and the present Petitioner who is the husband of the Informant-wife. Accordingly the present Petitioner has filed C.P. No.132 of 2022 under Section 13 of the Hindu Marriage Act before the Judge, Family Court, Rourkela. He further submits that on 10.05.2022 after getting notice from the Judge, Family Court, in retaliation to that the Informant-wife has

lodged the present F.I.R. which was registered on 19.06.2022 making false allegation against the present Petitioner. He further submits that, no allegation under Section 354, I.P.C. read with Section 66-D of the I.T. Act is made out against the Petitioner. Learned counsel for the Petitioner further submits that the main allegation is against one Dillip Jena, who had made an attempt to outrage the modesty of the Informant and recorded her some photographs.

5. Considering the aforesaid submissions, seriousness of the 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 and moves for bail before the learned J.M.F.C., Dhamnagar in G.R. Case No.431 of 2022 corresponding to Dhamnagar P.S. Case No.245 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) that, 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

(ii) Petitioner being the husband, shall take care of the Informant so long as the matrimonial relationship subsists between them as per law. Also, he shall provide day-to-day expenses of the Informant in all respect for her survival.

Violation of any of the conditions shall entail cancellation of bail of the Petitioner.

6. The ABLAPL is disposed of accordingly.
7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge

S.K.Parida

