

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10261 of 2022

<i>Durgamadhab Behera and others</i>		<i>Petitioners</i>
		<i>Mr. S.K. Jena, Advocate</i>
	-versus-	
<i>State of Odisha</i>		<i>Opp. Party</i>
		<i>Mr. S. Mishra, A.S.C.</i>

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

30.08.2022

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.209 of 2022, arising out of Niali P.S. Case No.230 of 2022 pending in the court of learned J.M.F.C., Niali for commission of offence punishable under Sections 498-A/294/323/506/34, I.P.C. read with Section 4 of the D.P. Act.
5. It is submitted by learned counsel for the petitioners that the marriage was solemnized between the parties in the year 2003 and after 20 years of marriage, the present F.I.R. has been filed.
6. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the

petitioners. However, it is directed that in the event the petitioners surrender and move an application for bail before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, they shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that :-

- I. The petitioners shall cooperate with the Investigating Officer as and when required for the purpose of investigation;
- II. they shall not default in attendance of the court during trial on each date of posting;
- III. while on bail, they shall not threaten, harass and terrorize the informant and her /his family members in any manner whatsoever; and
- IV. they shall also lookafter well being by the petitioner and shall provide maintenance in sustenance of the informant-wife while on bail.

Violation of any of the terms and conditions shall entail cancellation of bail.

7. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge