

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10344 of 2022

Basanta Sahoo & Others

.... ***Petitioners***
Mr. P.K. Mishra, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. Sitikant Mishra, A.S.C.

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

ORDER
20.10.2022

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 498-A/304-B/302/34, I.P.C. and Section 4 of the D.P. Act.
4. Learned counsel for the Petitioners submits that Petitioner No.3 – Sarbeswar Sahoo, who is the husband of the deceased, has already been arrested in the meantime and therefore prayer for anticipatory bail in respect of Petitioner No.3 has become infructuous.
5. Accordingly, the ABLAPL is dismissed as infructuous, so far as Petitioner No.3 is concerned.

6. So far as Petitioner Nos.1 & 2 – namely Basanta Sahoo and Pabitra Sahoo are concerned, it is submitted by learned counsel for the Petitioner that Petitioner No.1 is the father of Petitioner No.3 and father-in-law of the deceased, and Petitioner No.2 is the brother of Petitioner No.3 and brother-in-law of the deceased. It is further submitted that Petitioner No.3 and the deceased, who were married as husband and wife, were staying separately at Rourkela. However, at the relevant point of time they had come to their native place at Dhenkanal, as the mother of Petitioner No.3 was ailing. It is further submitted that the deceased committed suicide at her in-law's house there at village Khateibereni in Dhenkanal, by closing the door of the room from inside, and the cause of death was suicidal hanging. It is further submitted by learned counsel for the Petitioners that in the meantime investigation has been concluded and charge-sheet has been filed by deleting the offence under Sections 302 & 304-B, I.P.C. and adding the offence under Sections 306, 406, I.P.C.

7. Considering the aforesaid facts and submissions, seriousness of the allegation and gravity of the offence, although this Court is not inclined to grant anticipatory bail to the Petitioners, however it is observed that, in the event Petitioner Nos.1 & 2 surrender and move for bail before the learned S.D.J.M., Kamakhyanagar in G.R. Case No.497 of 2022 corresponding to Kankadahad P.S. Case No.94 of 2022 within a period of three weeks from today, both of them 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.

8. The ABLAPL is disposed of accordingly.

9. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge

S.K.Parida

