

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10854 of 2022

Barsha Behuria @ Manisha ***Petitioners***
Behuria @ Manisa Karua and
another

Mr. S. Das, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. S. Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
17.10.2022

Order No.

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioners and learned 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.686 of 2022, arising out of Barbil P.S. Case No.195 of 2022 pending in the court of learned J.M.F.C., Barbil for commission of offences punishable under Sections 498-A/306/34, I.P.C.
 5. It is submitted by learned counsel for the petitioners that the petitioner no.1 is the married sister-in-law and petitioner no.2 is the mother-in-law of the deceased. He further submits that as per the statement of the independent witnesses, the allegation of mental harassment and torture is against the husband of the deceased. He

further submits that the present petitioners have been falsely implicated in this case and they are also ladies and their bail application may be released on anticipatory bail.

6. Learned counsel for the State, on the other hand, referring the case diary submits that the Post-mortem Examination report of the deceased reveals that the cause of death is due to asphyxia by suicidal hanging. By referring the statement of the witnesses, he further submits that when they reached at the house of the present petitioners, they found that the deceased was hanging on the roof of the house. It is further submitted by learned counsel for the State that although the allegation against the husband of the deceased, however, dowry and torture allegation is also against the present petitioners.

7. It is submitted by learned counsel for the petitioners that there is omnibus allegation of demand of dowry in matrimonial dispute.

8. Having heard learned counsel for the respective parties and upon careful consideration of the recording of the statement as well as Post-mortem Examination report of the deceased, this Court is of the considered view prima facie the death was suicidal hanging.

9. 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 indulge in similar criminal activities while on bail; and
- III. they shall not default in attendance of the court during trial on each date of posting.

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

10. Accordingly, the ABLAPL is disposed of.

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

Jagabandhu

