

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL No.10989 of 2022**

***Balaram Behera and others*** .... ***Petitioners***

*Mr. B.S. Dasparida, Advocate*

*-versus-*

***State of Odisha*** .... ***Opp. Party***

*Mr. S. Mishra, A.S.C.*

**CORAM:**

**JUSTICE A.K. MOHAPATRA**

**ORDER**

**29.09.2022**

**Order No.**

- 02.
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 C.T. Case No.347 of 2017, arising out of Soro P.S. Case No.194 of 2017 pending in the court of learned J.M.F.C., Soro for commission of offence punishable under Sections 498-A/304-B/302/34, I.P.C. read with Section 4 of the D.P. Act.
  5. By referring case diary, learned counsel for the State submits that the complainant is not cooperating with the investigation. Hence, police does not want to proceed with the any further.
  6. It is submitted by learned counsel for the petitioner that as per

F.I.R. allegation, it appears that the principal accused, who happens to be the husband, the entire allegation is against him. Further it is submitted that the victim tried to commit suicide and she was rescued and admitted in hospital where she succumbed after thirteen days of the occurrence.

7. Further, it is submitted by learned counsel for the petitioners that the petitioner no.1 is the husband of the deceased and the petitioner nos. 2 and 3 are the parents-in-law of the deceased.

8. Considering the nature of allegation, gravity of offence and the facts of the case, I am not inclined to grant anticipatory bail to the petitioner nos.2 and 3. However, it is directed that in the event the petitioner nos.2 and 3 surrender and move an application for bail before the learned court in seisin over the matter within a period of three weeks from today, they shall be released on bail on such terms and conditions as would be deemed just and proper.

9. So far as petitioner no.1 is concerned. Learned counsel for the petitioners does not want to press the bail application of the petitioner no.1-Balaram Behera. Accordingly, the bail application of the petitioner no.1-Balaram Behera stands disposed as not pressed.

10. The ABLAPL is accordingly disposed of.

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

**( A.K. Mohapatra )**  
**Judge**