

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2478 of 2022

Harihara Pramanik & Another

....

Petitioners

Mr. P.C. Jena, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. Prem Ku.Pattanaik, AGA

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
21.10.2022

Order No.

02.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. Instant petition is filed under Section 482 Cr.P.C. for quashing of the criminal proceeding in C.T. Case No. 791 of 2021 corresponding to Jaleswar P.S. Case No. 357 of 2021 pending before the court of learned J.M.F.C., Jaleswar on the grounds stated therein.
3. Perused the copy of the F.I.R. which is at Annexure-1.
4. In fact, on a report being lodged by the informant, Jaleswar P.S. Case No. 357 of 2021 was registered under Sections 498-A, 302,294,506 read with 34 of IPC besides Section 4 of the Dowry Prohibition Act was registered.

5. Mr. Jena, learned counsel for the petitioners submits that the husband was in custody and in the meantime, he was released on bail and while claiming so, a copy of the order in BLAPL No. 3477 of 2022 is produced whereby he has been granted bail by order dated 5th August, 2022. It is further submitted by Mr. Jena that the victim died of poisoning and he had no external injury which is revealed from the post-mortem report. The certified copy of the post-mortem report is made available to the Court for perusal. It is thus submitted that in view of the death of the victim by poisoning and the fact that the accused husband has already been released on bail and the petitioners, who are the parents in-laws of the deceased against whom and others omnibus allegations of ill-treatment have been made, they should be directed to surrender and go on bail subject to conditions. It is informed to the Court that preliminary chargesheet has been filed against the principal accused keeping the investigation open and on the prayer of the I.O., the learned court below have issued NBWAs as against the petitioners. In other words, Mr. Jena learned counsel for the petitioners while not pressing the matter on merits submits that at least the petitioners being the parents in-law of the victim should be allowed to go on bail with any conditions as would be deemed just and proper and facts and circumstances of the case.

6. Mr. Pattanaik, learned counsel for the State on the other hand submits that there is an allegation of ill-treatment and torture which is clearly evident from the F.I.R. against the petitioners besides the principal accused, namely, the husband.

7. Considering the above submissions of the learned counsel for the respective parties, the Court is of the view that the Court is though not inclined to quash the proceeding which has been prayed

for but because there are materials prima facie to show ill- treatment caused to the victim by the petitioners with the allegations of omnibus nature, they should be allowed to go on bail subject to conditions imposed by the court below.

8. Accordingly, it is ordered.

9. In the result, the CRLMC stands disposed of with a direction to the petitioners to surrendepr before the court of learned J.M.F.C., Jaleswar on or before 3rd November, 2022 in connection with C.T. Case No. 791 of 2021 corresponding to Jaleswar P.S. Case No. 357 of 2021 and in the event they surrender, the court below shall release them on bail with conditions.

10. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge

