

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11932 of 2022

Deji Behera

.... ***Petitioner***
Mr. Bharat Jalli, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. M.K. Mohanty, A.S.C.

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
22.09.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 341/294/324/326/307/506/34, I.P.C.
4. It is submitted by learned counsel for the Petitioner that, so far as the present Petitioner is concerned, there is no allegation of assault against her. He further submits that one Kaveri Behera assaulted the Informant, who is not the petitioner before this court. Learned counsel for the Petitioner further submits that the present Petitioner and the informant are related as sisters-in-law and that the matter has been settled between them in the meantime.

5. Considering the aforesaid submissions, seriousness of the allegation, gravity of the offence and the facts of the case, although I am not inclined to grant anticipatory bail to the Petitioner, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned J.M.F.C., Chilika in G.R. Case No.394 of 2022 corresponding to Tangi P.S. Case No.517 of 2022 within a period of three weeks from today, she 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.

However, while imposing conditions for bail, learned Magistrate shall also impose the following additional conditions –

- (i) The Petitioner shall cooperate with the investigation and shall appear before the I.O. as and when required;
- (ii) She shall not threaten, terrorise, ill-treat or harass the Informant in any manner whatsoever, while on bail.

Violation of any of the conditions shall entail cancellation of bail of the Petitioner.

6. The ABLAPL is disposed of accordingly.

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

(A.K. Mohapatra)
Judge