

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12922 of 2022

Jharana Sahoo

....

Petitioner

Mr. R.K. Mahanta, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. M.K Mohanty, ASC.

Mr. K.C Tripathy, Adv for the Informant

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

28.11.2022

Order No.

05.

1. Heard learned counsel for the Petitioner, the State and Shri Kartik Chandra Tripathy the learned counsel appearing on behalf of the informant.

2. By means of this application the Petitioner seeks grant of application U/s. 438 Cr.P.C apprehending arrest for her alleged involvement in the offence U/s. 498-A/302/304-B/34 of IPC & Section-4 of D.P Act in connection with Jhumpura P.S Case No. 116 of 2022 corresponding to G.R Case No. 344 of 2022 pending on the files of the learned S.D.J.M., Champua.

3. It is submitted by the learned counsel for the Petitioner that the nature and cause of death of the deceased cannot be attributed to the present Petitioner in as much as the Petitioner had a tendency to commit suicide and the statement of the witnesses recorded U/s. 161 Cr.P.C does not attribute anything against the present Petitioner

which is omnibus in nature. The further submission of the learned counsel for the Petitioner is that the suicidal note referred to by the counsel for the State reveals the deceased to have not attributed the cause of her death to anyone. According to learned counsel the Petitioner is a government employee by profession and a lady and as such her pre arrest bail may be considered.

4. The learned counsel for the State as well as the Informant vehemently opposed the bail application contending that the overall facts and circumstances leading to the death of the deceased has direct nexus with the harassment caused by her in-laws including the present Petitioner who remained the centre stage to the issue pointed out by the deceased in her suicidal note. There are also materials forthcoming from the statement of witnesses

5. In view of submissions of the parties and perusal of the documents which includes the statement of the witnesses, the FIR, the documents referred by the learned State counsel on the direction of this Court more particularly the suicidal note reveals a series of incident contributing the overt act of the present Petitioner made her to remain in depression and she failed to reconcile with the situation and circumstances created in the in-laws place. The nature and cause of death even though directly cannot be attributed to the present Petitioner, the circumstance of death and the gravity of the entire incident does not impel the mind of this Court to consider the prayer of the Petitioner for grant of anticipatory bail. Resultantly, while this court is not inclined to grant anticipatory bail to the Petitioner, if she so chooses and surrender before the learned court in seisin over the matter within three weeks hence, and moves for

bail, the learned court below shall dispose of the applications on its own merit on the material available on record and keeping in view the observations made above and dispose of the same in the first hour.

6. In case of rejection of the bail application by the learned court, the Petitioner may move for bail before the higher forum in the second hour of the same day. In that event, the higher forum shall consider and dispose of the bail application of the Petitioner on the same day on its own merit strictly on the materials available on record examining the observations made herein.

7. Case diary be made available to the learned courts below as soon as possible to facilitate disposal of the bail application of the Petitioner on the same day.

8. The ABLAPL is disposed of.

(*Chittaranjan Dash*)
Judge

B.K Sahoo