

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12940 of 2022

Surendra Mallick and others

Petitioners
Mr. P.K. Dalai, Advocate

-versus-

State of Odisha

Opp. Party
Mr. S. Patra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

10.10.2022

Order No.

01. 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. for grant of anticipatory bail to the petitioners in connection with C.T. Case No.5609 of 2022 arising out of Laxmisagar P.S. Case No.332 of 2022 pending in the Court of learned S.D.J.M., Bhubaneswar, Khurda for alleged commission of offences under Sections 498-A/323/294/307/34, I.P.C.
4. It is submitted by learned counsel for the petitioners that the allegation under Section 307, I.P.C. is against the husband of the victim, namely, Jitendra Mallick. It is further submitted that the husband of the victim has been arrested and he is in custody.
5. Further, it is submitted by learned counsel for the petitioners that the petitioners are in-laws of the victim and they have been falsely implicated in the present case. It is also submitted that there is

omnibus allegation in matrimonial dispute.

6. 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 threaten, harass and terrorize the informant and her /his family members in any manner whatsoever; 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.

7. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge