

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13057 of 2022

Pradip Sabar & Others

.... Petitioners

Mr. A.K. Sahoo, Advocate

-versus-

State of Odisha & another

.... Opposite Parties

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER
12.10.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 498-A/294/323/506/34, I.P.C.
4. It is submitted by learned counsel for the Petitioners that, Petitioner No.1 is the husband and Petitioner Nos.2 to 5 are in-law family members of the Informant. He further submits that due to matrimonial dispute between the husband and wife, the present case has been foisted by the wife against the entire family of the husband.
5. Considering such submission, seriousness of the allegation, gravity of the offence and facts of the case, although I am not inclined to grant anticipatory bail to the Petitioners, however it is

observed that, in the event the Petitioners surrender and move for bail before the learned S.D.J.M., Deogarh in C.T. Case No.924 of 2022 corresponding to Barkote P.S. Case No.357 of 2022 within a period of three weeks from today, they 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, but subject to the following further conditions –

(i) The Petitioners shall appear before the I.O. and shall cooperate with the investigation as and when required;

(ii) They shall not threaten, terrorise, ill-treat or harass the Informant and her family members or the prosecution witnesses in any manner whatsoever, while on bail; and

(iii) Petitioner No.1 being the husband, shall take care and look after the wellbeing of the Informant so long as the matrimonial relationship subsists between them as per law. Also, he shall provide day-to-day expenses of the Informant in all respect for her survival.

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

6. The ABLAPL is disposed of accordingly.

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

(A.K. Mohapatra)
Judge