

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13105 of 2022

Bhagirathi Mohanty & Others ***Petitioners***
Mr. Bipin Kumar Nayak, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. Shashanka Patra, A.S.C.

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
13.10.2022

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/420/323/294/506/379/34, I.P.C.
4. It is submitted by learned counsel for the Petitioners that the present case arises out of a complaint case. He further submits that the petitioners are in-law family members of the victim, against whom there is no specific allegation in the F.I.R. The informant has specifically alleged against the husband, who used to assault the Petitioner physically.
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 J.M.F.C., Konark in G.R. Case No.604 of 2022 corresponding to Gop P.S. Case No.320 of 2022 arising out of I.C.C. Case No.39 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

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