

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 13717 of 2022

Uttar Pradhan @ Utttar Kumar Petitioner
Padhan

Mr. Jugal Kishore Panda, Advocate

-versus-

State of Odisha Opposite Party

Mr. M. K. Mohanty, ASC

CORAM:
JUSTICE CHITTARANJAN DASH

ORDER
08.12.2022

Order No.

01. 1. Heard learned counsel for the Petitioner and the State.
2. This is an application for bail U/s. 438 Cr.P.C. filed by the Petitioner in apprehension of arrest for his alleged involvement in the offences U/s. 498-A/341/323/294/313/34 of IPC and section 4 of D.P. Act.
3. It is submitted by learned counsel for the Petitioner that the allegations are concocted based on falsity and exaggerations and there is no truth in it. The specific allegation as to forced abortion against the wish of bride is absolutely wrong and it is a natural abortion. Consequently, the allegations against the Petitioner under Section 313 of IPC cannot be made applicable and in absence of thereof other allegations to be general and omnibus, the Petitioner may be considered for pre-arrest bail.

4. Learned counsel for the State on the other hand having obtained the up-to-date case diary submitted that the medical report does not appear adverse or incriminating to the conduct of the present Petitioner as to the abortion and it seems to be natural and no adverse report is forthcoming to support the allegations as to administration of medicine to the victim-informant.

5. Keeping in view the submission of the parties, the nature of allegations as emerged from the materials on record, the circumstances appearing, the seriousness and gravity of the offences, while this Court is not inclined to grant the anticipatory bail, it is directed that in the event the Petitioner surrenders and moves for bail in connection with Loisinga P.S. Case No.347 of 2022 corresponding to G.R. Case No.340 of 2022 pending in the court of learned J.M.F.C., Loisinga within a period of three weeks hence, he shall be released on such terms and conditions as would be deemed just and proper by the said court subject to the conditions that he shall appear in person before the court below on each date of posting of the case unless specifically exempted by the court concerned with further conditions as follows:-

- (i) The Petitioner shall appear before the I.O. and shall cooperate with the investigation as and when required;
- (ii) he shall not indulge in threatening, terrorizing or intimidating to the members of informant party in any manner whatsoever while on bail;
- (iii) he shall remit a sum of ₹15,000.00 (Rupees Fifteen Thousand only) to the informant and furnish the receipt of remittance to the kin of informant or any of the members of

informant party before the learned court in seisin over the matter and

(iv) violation of any of the conditions shall entail cancellation of bail of the Petitioners.

6. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge

B.K Sahoo/AKPradhan

