

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL No.14069 of 2021**

**1. Kusuma Dalai**

**2. Umesh Dhar**

**.... Petitioners**

*Mr. P.K. Mishra, Advocate*

**-versus-**

**State of Odisha**

**.... Opp. Parties**

*Mr.J.P. Patra,  
Addl. Standing Counsel*

**CORAM:  
JUSTICE S.K. SAHOO**

**ORDER  
07.04.2022**

**Order No.**

02. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard the learned counsel for the petitioners and learned counsel for the State.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in connection with Banki P.S. Case No.155 of 2021 corresponding to G.R. Case No.198 of 2021 for alleged commission of offences under sections 498-A/302/34 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the petitioners submitted that petitioner no.1 is the grand mother-in-law and

petitioner no.2 is the brother-in-law of the deceased Babina Dalai and the deceased committed suicide five years after marriage when she was residing in a separate mess and though initially the case was registered under section 302 of the Indian Penal Code along with other offences but on completion of investigation, charge sheet was submitted under sections 498-A/304-B/406/34 of the Indian Penal Code read with section 4 of the D.P. Act. It is further submitted that there is no clinching material against the petitioners for commission of any offences and therefore, the anticipatory bail application of the petitioners may be favourably considered.

Learned counsel for the State, on the other hand, opposed the prayer for anticipatory bail and placed the statement of one Santosh Kumar Dalai, the brother of the deceased.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioners and the fact that petitioner no.1 Kusuma Dalai is a lady, keeping in view the proviso to section 437(1) of Cr.P.C, I am inclined to release her on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner no.1 in connection with the aforesaid case, she shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties each for the like amount

to the satisfaction of the arresting officer with further conditions that she shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the Investigating Officer.

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

In view of the specific overt act against petitioner no.2 Umesh Dhar, while not inclining to grant anticipatory bail to him, it is observed that in the event the petitioner no.2 surrenders in the learned Court below and moves for bail within a period of four weeks from today, the learned Courts below shall dispose of the same in accordance with law expeditiously. The case diary be made available before the Court concerned for disposal of the case.

The ABLAPL is accordingly disposed of.

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

**( S.K. Sahoo )**  
**Judge**