

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14141 of 2022

Dayanidhi Pradhan & others ***Petitioners***
Mr. Samarendra Bahadur, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. Debasis Biswal, ASC.

CORAM:
JUSTICE CHITTARANJAN DASH

ORDER
04.11.2022

Order No.

01. 1. Heard learned counsel for the Petitioners and learned counsel for the State.
2. This is an application under Section 438 Cr.P.C. filed by the Petitioners for anticipatory bail for the offences punishable under Sections 498-A/323/294/34 of IPC and Section-4 of D.P Act.
3. Having regard to the fact that the victim had been leaving matrimonial house without informing the in-laws or the husband even at times leaving the child and despite a search by the husband, she was not able to be traced. Seeing no improvement in her conduct, the accused husband had lodged a report with the Police. Keeping this in view the subsequent FIR has been lodged by the wife alleging ill treatment and cruelty subjecting her to demanding dowry requires a trial but cannot prima facie to be held is incriminating to the husband and in laws to curtail their liberty.

4. Keeping in view the submission of the parties and having gone through the nature of allegations as emerged from the materials on record, and further the circumstances appearing, the seriousness and gravity of the offences, it is directed that in the event the Petitioners surrender and move for bail in connection with G.R Case No.658 of 2022 arising out of Rairakhol P.S. Case No.236 of 2022 pending in the court of learned S.D.J.M., Rairakhol within a period of three weeks' from today, they shall be allowed to go on bail on such terms and conditions as would be deemed just and proper by the said court with further conditions that the Petitioner shall appear in person before the learned court below on each date of posting of the case and shall appear before the I.O. / I.I.C. of the concerned P.S. once in a week on such date and time fixed by the I.O. / I.I.C. for a period of six months or till submission of Final Form as the case may be.

5. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge