

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15485 of 2021

1. Pujarani Giri
2. Rabindra Das
3. Basanti Das
4. Mantu @ Pradeep
Kumar Das
5. Atul Mohakuda
6. Sankuni Mahakud @
Mamata Mahakud **Petitioners**

Mr. J.K. Majhi, Advocate

-versus-

State of Odisha

Opp. Party

Mr. Arupananda Das,
Addl. Government Advocate
Mr. T. Pani, Advocate for the
informant

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 C.T. Case No.703 of 2021 arising out of Singla P.S. Case No.192 of 2021 pending in the

Court of learned J.M.F.C., Basta for alleged commission of offences under sections 294/341/323/302/34 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the petitioners submitted that the case arises out of a complaint petition and the complainant Gobinda Giri is the elder brother of the deceased Goutam Giri. The petitioner no.1 is the wife of the deceased and petitioners nos.2 and 3 are the parents and petitioner no.4 is the brother, petitioner no.5 is the brother-in-law (elder sister's husband) and petitioner no.6 is the elder sister of petitioner no.1 respectively. It is further submitted that though the case was registered under section 302 of the Indian Penal Code but there are no such materials available on record to attract the ingredients of such offence rather it would be evident that when the deceased attempted to commit suicide by consuming poison, she was shifted to the hospital but died and therefore, the anticipatory bail application of the petitioners may be favourably considered.

Learned counsel for the State has received instruction from the Officer in-charge of Singla police station, Balasore from which it appears that the deceased Goutam Giri was suspecting illicit relationship between the petitioner no.1 Pujarani Giri, who is his wife with the petitioner no.5 Atul Mohakuda

and on the fateful day, he consumed some cold drinks, which was mixed with insecticide with an intention to commit suicide bolting the door of a room and when the same was detected, the door of the room was broke open and the deceased was shifted first to C.H.C., Basta by Ambulance and then he was referred to D.H.H., Balasore for better treatment but he was received dead at D.H.H., Balasore. The post mortem was conducted and the Medical Officer opined that the death was due to poisoning and its complication. The written instruction is taken on record.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioners, the surrounding circumstances under which the death of the deceased took place and after going through the written instruction received from the Officer in-charge of Singla police station, I am inclined to release the petitioners on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioners in connection with the aforesaid case, they shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties each for the like amount to the satisfaction of the arresting officer with further conditions that they shall make themselves available for interrogation by

the I.O. as and when required and they 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.

The ABLAPL is accordingly disposed of.

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



RKM