

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15526 of 2021

Deepika Gadnayak ***Petitioner***

Mr.Jyotirmaya Sahoo, Advocate

-versus-

State of Odisha ***Opp. Party***

*Mr.D.K. Pani,
Addl. Standing Counsel
Mr. S.Mohanty, Advocate
(for the informant)*

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

**ORDER
04.01.2022**

Order No.

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

Learned counsel for the petitioner submits that inadvertently in the cause title one offence has been reflected as '294' instead of '494' and he may be permitted to correct the same.

Permission is granted.

Mr. Sidheswar Mohanty, learned counsel files Vakalatnama in Court today for appearing on behalf of the informant. The same is taken on record.

Heard learned counsel for the petitioner and learned counsel for the State as well as learned counsel for the informant.

This is an application under section 438, Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Berhampur Mahila P.S. Case No.134 of 2021 corresponding to G.R. Case No.1927 of 2021 pending in the court of learned S.D.J.M., Berhampur for alleged commission of offences under sections 494 and 506 of the Indian Penal Code.

Perused the F.I.R. annexed to the anticipatory bail application.

Considering the submission made by the learned counsel for the petitioner that the case arises out of a complaint petition and the petitioner is the alleged second wife of the husband of the complainant and in the meantime decree for divorce has already been passed in a proceeding under section 13 of the Hindu Marriage Act in between the complainant and her husband and the offences are triable by Magistrate and the only non-bailable offence is one under section 506 of the Indian Penal Code, keeping in view the proviso to section 437(1) of Cr.P.C. and after hearing the learned counsel for the State, I am inclined to release the petitioner on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner 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 make herself available for interrogation by the I.O. as and when required and 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 any facts to the Courts or to the investigating Officer.

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

The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge



PKSahoo