

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15221 of 2022

***Ajay Kumar Dash @ Ajay Dash @
Das & another***

....

Petitioners

Mr. Pravash Chandra Jena, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Shashanka Patra, A.S.C.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

15.12.2022

Order No.

01.

1. Heard the learned counsels for the Petitioners and the State.

2. By means of this application, the Petitioners seek grant of bail U/s.438 Cr.P.C. in apprehension of arrest for their alleged involvement in the offences U/s.498-A/294/323/307/34, I.P.C. and Section 4 of the D.P. Act, in connection with Jaleswar P.S. Case No.411 of 2022 corresponding to C.T. Case No.458 of 2022 pending in the court of learned J.M.F.C., Jaleswar.

3. Learned counsel for the Petitioners submits that the present Petitioners are parents-in-law of the victim-Informant and primarily the allegations with regard to ill-treatment and demand of dowry fingers to the husband only. So far as the offence under Section 307, I.P.C. is concerned, it is submitted by the learned counsel for the Petitioners that the allegation with regard to the involvement of the father-in-law is to the effect that he tied a napkin to the neck of the Informant, whereby she fell suffocated.

4. Having regard to the aforesaid facts and submissions, 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, while this court is not inclined to grant anticipatory bail, however it is directed that in the event the Petitioners surrender and move for bail before the learned J.M.F.C., Jaleswar in the aforesaid C.T. Case 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, but subject to the following further conditions –

- (i) The Petitioners shall appear before the I.O. and shall cooperate with the investigation as and when required;
- (ii) They shall not threaten, intimidate, terrorise, ill-treat or harass the Informant and her family members as well as the prosecution witnesses and shall not tamper with the prosecution evidence in any manner whatsoever, while on bail.
- (iii) Petitioner No.1 – (father-in-law) shall give an undertaking to the effect that he shall not in any manner interfere with the relationship between the Informant-wife and the husband irrespective of the fact whether the victim Informant resides in her matrimonial house or in her parental house, and he shall cooperate in all respect enduring a positive resolution of the dispute between the husband and the victim-wife.
- (iv) Violation of any of the conditions shall entail cancellation of bail of the Petitioner.

6. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge