

(2023) 06 OHC CK 0088

In the Orissa High Court

Case No : Anticipatory Bail Application No. 5244 Of 2023

Abhiram @ Aviram Behera & Others

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 21-06-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 41A, 317, 438
Indian Penal Code, 1860 — Section 34, 294, 323, 498A, 506
Dowry Prohibition Act, 1961 — Section 4

Citation : (2023) 06 OHC CK 0088

Hon'ble Judges : Chittaranjan Dash, J

Bench : Single Bench

Advocate : M. Mohapatra, M.K. Mohanty

Final Decision : Disposed Of

Judgement

Chittaranjan Dash, J

1. Heard learned counsel for the Petitioners and the State.
2. This is an application for bail U/s.438 Cr.P.C. filed by the Petitioners in apprehension of arrest for their alleged involvement in the offences U/s. 498-A/294/323/506/34 of IPC and Section-4 of D.P. Act.
3. Perusal of the FIR reveals that the Informant had married to one Suraj Kumar Behera (Petitioner No.3), the only son of Abhiram Behera (Petitioner No.1) as per Hindu Rites and Customs. At the time of marriage, pursuant to the demand of her husband and his family members, the parents of the Informant had given Rs.1,50,000/- along with gold and silver ornaments and also house hold articles, but after one month of their marriage, the Informant was subjected to torture mentally and physically by the in-laws. It is further alleged that sometimes her husband and his family members threatened her to do away with her life. The husband also told her to have love with another lady before their marriage. On 09.09.2022 the Informant was bitten mercilessly by her husband and in-laws and

driven out from her in-law's house and threatened to take Rs. 2,00,000/- cash towards dowry.

4. Keeping in view the submission and the nature of allegations as emerged from the materials on record, the circumstances appearing, the seriousness and gravity of the offences, while this Court is not inclined to grant the anticipatory bail, it is directed that in the event the Petitioner Nos. 1 and 2 namely Abhiram @ Aviram Behera and Smt. Malati Behera surrender and move for bail in connection with C.T Case No.326 of 2023 arising out of Khantapada P.S. Case No. 105 of 2023 pending in the court of learned J.M.F.C., Rural, Balasore within a period of three weeks hence they shall be admitted to bail on such terms and conditions as would be deemed just and proper by the said court with further conditions that the Petitioner Nos. 1 and 2 shall appear in person before the learned court below on each date of posting of the case unless specifically exempted by the court concerned and/or consider the prayer U/s.317 Cr.P.C; shall appear before the I.O. as and when required and shall cooperate with the investigation; shall not threaten, intimidate or terrorize the informant; shall not tamper with the prosecution evidence in any manner whatsoever, while on bail. Violation of any of the conditions shall entail cancellation of bail. The ABLAPL is disposed of accordingly in respect to Petitioner Nos. 1 and 2 namely Abhiram @ Aviram Behera and Smt. Malati Behera.

5. So far as Petitioner No. 3 namely Suraj Kumar Behera is concerned, in case no such material is available alleging grave offence, the investigating agency may resort to the provision U/s. 41-A Cr.P.C in respect to the Petitioner No. 3.

6. In view of the above submission, learned Counsel for the Petitioner is permitted to withdraw the ABLAPL with liberty to file application in case fresh cause of action arises. The ABLAPL is disposed of accordingly in respect to Petitioner No. 3 namely Suraj Kumar Behera.

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