

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.273 of 2022

***Basanta Behera @ Chia and
another***

....

Petitioners

Mr. S. Dwibedi,
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.S.K.Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

**ORDER
21.02.2022.**

Order No.

03. 1. This matter is taken up through hybrid mode.
2. Heard Mr. S. Dwibedi, learned counsel for the Petitioners and Mr. S.K.Mishra, learned Addl. Standing Counsel for the State.
3. The petitioners are in custody since 15th December, 2021 in connection with Khuntuni P.S. Case No.167/2021 corresponding to C.T. Case No.562/2021 pending in the court of learned S.D.J.M., Athagarh for the alleged commission of

the offence under Sections 498-A/304-B/306/34 of IPC and Section 4 of the D.P. Act.

4. The prosecution case is that the Petitioner no.1, who is the brother-in-law and Petitioner No.2 who is the sister-in-law of the victim subjected her to mental and physical cruelty in connection with the demand for dowry, as a result of which the victim is said to have left her matrimonial home only 18 days after her marriage and started residing in her parental home. A meeting was convened in the village where it was decided that the victim and her husband would stay separately in a rented house at Khuntuni. Subsequently, the victim committed suicide.

5. It is submitted by the learned counsel for the Petitioner that the allegation against the Petitioners are omnibus in nature and in any case there is no material to show that they had any role to play in the suicide committed by the victim that too at her parental home.

6. Learned Addl. Standing Counsel for the State, on the other hand, has opposed the prayer for bail by submitting that there is clear allegation that Petitioner No.1 demanded rupees One Lakh from the victim and, hence, it shows that he had a role to play in the alleged occurrence.

7. Considering the rival submissions as above, the materials on record and the fact that even as per the prosecution case the

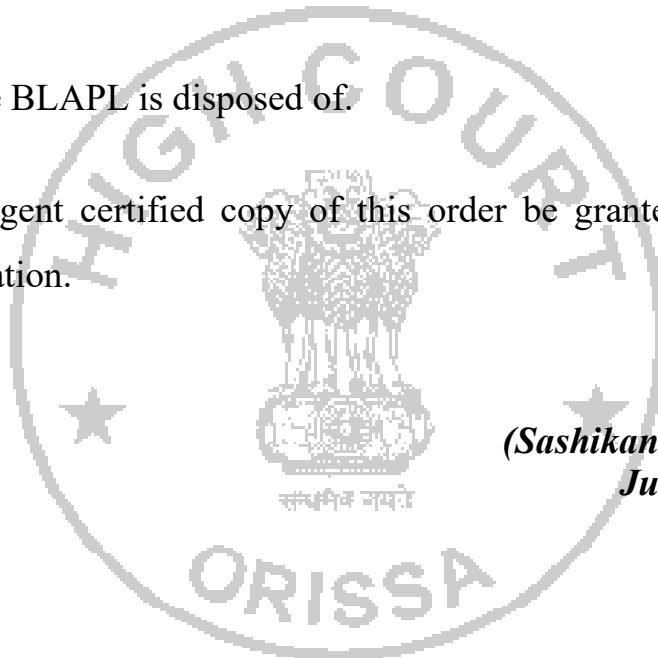
victim committed suicide at her parental home and there is no material to show the involvement of the Petitioners, I am inclined to allow the prayer for bail.

8. Let the Petitioners be released on bail in the aforesaid case on such terms and conditions as may be imposed by the court in seisin over the matter including the conditions that they shall appear before the trial court on each date of posting of the case without fail.

9. The BLAPL is disposed of.

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

AKB



(Sashikanta Mishra)
Judge