

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.444 of 2022

Rabindra Behera

....

Petitioner

Mr. Manoranjan Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Miss. Samapika Mishra, ASC

CORAM:

MR. JUSTICE D.DASH

ORDER

02.02.2022

Order No.

- 02.
1. This matter is taken up by video conferencing mode.
 2. The Petitioner being in custody in connection with Kissannagar P.S. Case No.197 of 2021 corresponding to G.R. Case No.2914 of 2021 on the file of learned J.M.F.C. (R), Cuttack running for commission of offence under section 498-A/302/304-B/34 of the IPC read with section 4 of the D.P. Act, has filed this application under section 439 of the Cr.P.C. for his release on bail.
 3. Learned counsel for the Petitioner submits that the Petitioner being the father-in-law of the deceased on the general allegation that he was joining with other members of the family in demanding dowry and torturing the deceased for non-fulfillment of the same, he has been implicated in the case and is in custody since 30.11.2021 simply because the daughter-in-law had committed suicide by hanging herself within a period of seven years of marriage. It is submitted that the allegations with regard to the demand of dowry and torture are false and omnibus in nature without citing any such particular incident assigning specific role to the Petitioner therein. It is further submitted that investigation of the case has made substantial progress and there remains no scope on the part of the Petitioner to tamper the evidence as also the question of his

fleeing from justice does not arise. So, he urges for grant of bail to the Petitioner as according to him, further detention of the Petitioner in custody till conclusion of the trial would serve no useful purpose.

4. Learned counsel for the State opposes the move. According to him, on the face of the allegations with regard to demand and torture since the daughter-in-law of the Petitioner has not died under normal circumstances that to within seven years of marriage; with the aid of the presumption available under Section-113A/ 113B of the Evidence Act, the culpability of the Petitioner stands.

5. Taking into account the submissions made; further keeping in view the materials on records as those stand against the Petitioner with other surrounding circumstances including the period of detention of the Petitioner in custody and in the absence of any such impediment; it is directed that the Petitioner be released on bail in the aforesaid case on such terms and conditions as deemed just and proper by the court in seisin of the case with further condition that he will cooperate with the investigation as and when required for the purpose.

6. The BLAPL is accordingly disposed of.

As the restrictions due to resurgence of COVID-19 situation are continuing, learned Counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020 as modified by Court's Notice No.4798 dated 15th April, 2021 and Court's Office order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

**(D. Dash),
Judge.**