

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.525 of 2022

Bulu @ Abhimanyu Sahu

Petitioner

Mr. A.Pr. Bose, Advocate

-versus-

State of Odisha

..... Opposite Party

Mr. Rajesh Tripathy, ASC

CORAM:

MR. JUSTICE D.DASH

ORDER

02.02.2022

Order No.

01. 1. This matter is taken up through video conferencing mode.
2. The Petitioner being in custody in connection with Patnagarh P.S. Case No.277 of 2020 corresponding to G.R. Case No.1050 of 2020 on the file of the learned S.D.J.M., Patnagarh running for commission of offence under sections 498-A/306/34 IPC, 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 husband of the deceased having been arrested in the case, is in custody since 14.12.2020. It is submitted that as the deceased committed suicide by taking poison with the general allegation that the Petitioner and his family members were demanding dowry and torturing her for non-fulfillment of same, they have been roped in the case without citing any particular incident assigning specific role to

the Petitioner therein. He also submits that as per the postmortem report, the death is on account of respiratory paralysis reaction arising from intake of poison. In view of all these above, 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 submits that since the death of the deceased has taken place within seven years of marriage and that to not under normal circumstance, on the face of demand of dowry and torture upon her, with the available presumption under section 113A/113B of the Evidence Act, the culpability of the Petitioners stand.

5. Taking into account the submissions made; further keeping in view the materials on record as those stand against the Petitioner with other surrounding circumstances as also the period of detention of the Petitioner in custody and on going through the order passed by the learned Addl. Sessions Judge; 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 appear in person before the court in seisin of the case on each date of posting of the case till conclusion of the trial.

Violation of any of the above condition(s) shall entail cancellation of bail.

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.

Aks



(D.Dash)
Judge