

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1001 of 2022

Santosh Kumar Dash

.... ***Petitioner***
Mr. B.S. Mishra, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Miss. Samapika Mishra, ASC

**CORAM:
MR. JUSTICE D.DASH**

**ORDER
01.11.2022**

Order No.

07. 1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. The Petitioner having been implicated in connection with Mangalpur P.S. Case No.16 of 2022 corresponding to C.T. Case No.106 of 2022 on the file of learned S.D.J.M., Jajpur for alleged commission of offence under Sections 498(A)/304-B/302/34, I.P.C. read with section 4 of the D.P. Act has filed this application under section 438 of Cr.P.C. for grant of bail in the event of his arrest in the said case.
3. Learned counsel for the Petitioner submits that this Petitioner being the husband of the deceased has been implicated in the case as the wife has committed suicide within seven years of marriage on the general allegation that he was torturing and ill-treating the deceased for non-fulfillment of demand of dowry. He further submits that this Petitioner on the

relevant date of the death of the deceased was not present at home and was serving at Nasik. Therefore, he prays for grant of anticipatory bail to the Petitioner as his likely arrest and detention would serve no useful purpose.

4. Learned counsel for the State opposes the move. According to her, the Petitioner being the husband, on the face of the allegation with regard to demand and torture upon the deceased since the death has not taken place under normal circumstance that too it was within a period of seven years of marriage, with the aid of presumption available under section 113-A/113-B of the Evidence Act, his culpability stands.

5. Considering the submissions made and on going through the materials as placed as also taking into account the surrounding circumstances; while being not inclined to grant anticipatory bail to the Petitioner; this application is disposed of with the observation that in the event the Petitioner surrenders before the Court in seisin of the aforesaid case and moves for his release on bail, the same shall be considered on its own merit and disposed of in accordance with law so as to enable the Petitioner to approach the next higher forum early in case necessity so arises. The case record be made available at the cost of the Petitioner.

6. The ABLAPL is accordingly disposed of. Interim order passed on 26.09.2022 stands vacated.

7. Issue urgent certified copy as per rules.

(D. Dash)
Judge