

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL NO.771 OF 2022

<i>Sagar Sahoo @ Sahu</i>		<i>Petitioner</i> <i>Mr.Sapan Kumar Lenka, Adv.</i>
	-versus-	
<i>State of Odisha</i>		<i>Opp. Party</i> <i>Mr.G.R.Mohapatra,ASC</i>

CORAM:
MR. JUSTICE S.K. PANIGRAHI

ORDER
18.05.2022

Order No.

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- 1.This matter is taken up by hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is in custody in Tangi P.S. Case No.32 of 2021 corresponding to S.T. Case No.130 of 2021 arising out of G.R. Case No.495 of 2021, pending in the court of the learned 1st Additional District & Sessions Judge, Cuttack initially registered for the offences under Sections 498-A/ 302/304-B/34 of I.P.C. read with Section 4 of the D.P.Act, but subsequently charge sheet has been submitted under Sections 498-A/304-B/306/34 of the Indian Penal Code.
4. The petitioner is the husband of the deceased.
5. The brief fact of the case is that the petitioner and the deceased-Jhunulata married on 20.07.2020. Cash of Rs.50,000/- along with gold ornaments, furniture and other household articles were gifted as dowry at the time of marriage. On 27.02.2021 at about 1 P.M., the informant-father of the deceased received information about the

death of his daughter. It is alleged that the death is due to suffocation caused by the petitioner and his parents.

6. Learned counsel for the petitioner submitted that the deceased was arrogant lady. She always used to talk to an unknown person over cell phone whom her in-laws' members did not have any acquaintance. Thereafter, when the mother-in-law protested such telephonic conversation, the deceased became furious and abused her with filthy languages. Then the mother-in-law reported such fact to the father of her daughter-in-law. So her parents restricted their daughter not to behave such a manner and on the same day being shocked at this advice of her parents, she committed suicide by hanging herself in her bed room locking the door of it from inside in absence of her husband. Having heard her screaming, she was recovered by breaking the door and was shifted to Tangi medical where she was declared dead.

7. It is further submitted that there were no eye witnesses to such incident. The materials available on record do not prima facie constitute the offence under Section 304-B of IPC. The doctor opined that the death of the deceased was found to be suicidal in nature. The allegation of torture and demand of dowry are totally false and baseless.

8. It is further submitted that although the investigation of the case has already been completed and charge-sheet has been filed but the trial has not yet been commenced in the present case. The petitioner is in custody since 01.03.2021.

9. Learned counsel for the State vehemently opposed the prayer for bail of the petitioner.

10. However, without going into the merit of the matter and considering the submissions made, facts and circumstances of the case as well as period of detention of the petitioner in custody, it is directed that the petitioner be released on bail in the aforesaid case with some stringent terms and conditions as deemed just and proper by the learned court in seisin over the matter with further conditions that:-

- i. the petitioner shall appear before the learned trial court on each date of posting of the case;
- ii. he shall not indulge himself in any criminal offence while on bail and
- iii he shall not tamper with the evidence of the prosecution evidence in any manner.

11. Violation of any of the conditions shall entail cancellation of the bail.

12. The BLAPL is accordingly disposed of.

13. Issue urgent certified copy of the order as per Rules.

(S.K. Panigrahi)
Judge