

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1136 of 2022

Saroj Bhukta

.... ***Petitioner***
Mr. D.R. Mishra, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
Mr. P.K. Pattnaik, A.G.A.

CORAM:
JUSTICE G. SATAPATHY

ORDER

29.11.2022

Order No.

06. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Biramaharajpur P.S. Case No.204 of 2021 corresponding to G.R. Case No.432 of 2021 of the Court of S.D.J.M., Biramaharajpur, for commission of offences punishable U/Ss. 498(A)/306/304(B)/34 of IPC r/w 4 of D.P. Act, on the allegation of committing dowry death and abetment of suicide of the deceased by subjecting her to torture and cruelty prior to death for or in connection with demand of dowry.
3. In the course of hearing of the bail application, learned counsel for the Petitioner submits by placing the statement of one Suranani Nayak that the deceased has committed suicide for reason best known to her and the Petitioner having not committed any offence may kindly enlarged on bail.
4. On the contrary, Mr. P.K. Pattnaik, learned counsel for the State strongly opposes the bail application of the Petitioner and he submits that the Petitioner being the husband of the deceased had

been torturing her to cruelty for a specific demand of motor cycle as a dowry and the Petitioner, thereby, is not entitled to bail.

5. Considering the rival submissions made, the nature and gravity of accusations raised against the Petitioner so also the surrounding circumstances including the circumstance of death of deceased and regard being had to the pre-trial detention of the Petitioner since last one year and keeping in view the other circumstance in entirety especially when bail is the rule, but jail the exception and the object of bail is not punitive, this Court grants bail to the Petitioner.

6. Hence, the prayer for the bail of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.50,000/- with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with and that he shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the Petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.

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

(G. Satapathy)
Judge