

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.1271 of 2022

Iswar Kulesika

....

Petitioner

Mr. Jugal Kishore Panda, Adv.

-versus-

State of Odisha

....

Opposite Party

Mr. G.R. Mohapatra, ASC

CORAM:

MR. JUSTICE S.K. PANIGRAHI

ORDER

04.05.2022

Order No.

01. 1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner being in custody in connection with C.T. Case No.7 of 2021, arising out Narayanpatna P.S. Case No.51 of 2020, pending in the court of the learned Additional Sessions Judge, Koraput registered for the alleged commission of offences under Sections 498A/302 of I.P.P.C. has filed this application under Section 439 of Cr.P.C. for his release on bail.
4. The succinct facts of the case are that on 05.05.2020 one Sitma Sirika lodged an FIR alleging therein that her daughter had married to one Iswar Kulesika 10 years back. It was alleged that her son-in-law tortured her daughter for the last 4 months without any reason. Her son-in-law abused and assaulted her daughter with fist blows on 03.05.2020 at about 3:00 PM. The petitioner also dragged her daughter outside of his house and assaulted her face with a stone with an intention to kill her. Her daughter sustained severe injuries and she was shifted to

Narayanpatna Hospital for treatment. After 10 days, the victim breathed her last.

5. Learned counsel for the petitioner submitted that there was no dispute between the husband and the deceased with regard to torture and demand of dowry. On the date of incident, there was a quarrel between them and thereby the wife fell down on a stone and she sustained injury for which she was shifted to hospital. After 10 days of her treatment, she breathed her last there. The petitioner is in custody since 10.05.2020.

6. Learned counsel for the State vehemently opposed the bail prayer of the petitioner. He submits that the statement recorded under Section 161 of the Cr.P.C. reveals that the deceased has usually been beaten by her husband.

7. Considering the nature and gravity of the accusation, character of evidence appearing against the petitioner, the stringent punishment provided and that there are no reasonable grounds for believing that the petitioner is not guilty of the offence alleged or not likely to commit any such offence, which is not possible to record in this case, the prayer for bail is devoid of merit. Hence, the prayer for bail stands rejected.

8. Accordingly, the BLAPL is disposed of being dismissed.

9. Urgent certified copy of this order be granted on proper application.

(S.K. Panigrahi)
Judge