

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1594 of 2022

Sudarsan Sahu & Anr.

....

Petitioners

Mr. S.D. Das, Sr. Advocate

- Versus -

State of Odisha

.... **Opposite Party**

Mr. P.K. Maharaj, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

14.03.2022

Order No.

1.

1. This matter is taken up through hybrid mode.
2. Heard learned senior counsel for the petitioners and learned Addl. Standing Counsel for the State.
3. The petitioners are in custody since 07.06.2021 in connection with Balangir Sadar P.S. Case No.184 of 2021 corresponding to G.R. Case No.770 of 2021 pending in the Court of learned S.D.J.M., Bolangir for the alleged commission of offence under Sections 498-A/302/304-B/406/34 of IPC read with Section 4 of D.P. Act.
4. It is submitted that there is absolutely no material to link the petitioners with the crime and that they have been entangled in the case only because of their presence in the house at the time of occurrence.
5. Mr. P.K. Maharaj, learned Addl. Standing Counsel on the other hand has opposed the prayer for bail and submits that there is consistent evidence to the effect that the petitioners subjected the deceased to physical and mental cruelty in connection with their demand for dowry prior to the occurrence and therefore all of them

must be held to have committed the crime.

6. Considering the submissions, statement of the witnesses, the post mortem report and other materials on record, this Court is unable to find any clear cut material to show the involvement of the petitioners in the alleged occurrence, save and except the fact that they were present in the house at the time of occurrence. However the same by itself cannot lead to the definite conclusion that they must have also taken part in the alleged occurrence. In such view of the matter, I am inclined to allow the prayer for bail. Let the petitioners be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that they shall personally appear before the trial Court on each date of posting of the case without fail.

7. BLAPL is accordingly disposed of.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

