

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.517 of 2022

Ranjan Kumar Rout

Petitioner

Mr. P.K. Das, Advocate

-Versus-

State of Odisha

.... Opposite Party

Mr. T.K. Praharaj, SC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

30.11.2022

Order
No.

01.

1. Heard learned counsel for the petitioner and learned counsel for the opposite party State.

2. Instant petition under Section 482 Cr.P.C. is moved at the behest of the petitioner assailing the impugned order dated 11th August, 2017 and issuance of NBWA against him in connection with G.R. Case No.196 of 2017 corresponding to Dhamnagar P.S. Case No.91 dated 20th April, 2017 pending in the file of learned J.M.F.C., Dhamnagar and also the entire criminal proceeding on the grounds stated therein.

3. Learned counsel for the petitioner submits that the petitioner is the husband of the deceased and the learned court below has issued a non-bailable warrant of arrest against him at the stage of investigation on the prayer of the IO and thereafter, the chargesheet was filed and since other accused persons have been released on bail, he should be directed to be enlarged on bail if in case the Court is not inclined to interfere with the criminal proceeding in exercise of inherent jurisdiction under Section 482 Cr.P.C.

4. Mr. Praharaj, learned counsel for the State on the other hand submits that there is material against all the accused persons including the petitioner, who happens to be the husband of the victim and therefore, he has been chargesheeted under Sections 498-A and 304-B IPC. In response to the above, learned counsel for the petitioner submits that in fact the deceased committed suicide and hence, chargesheet is filed under Section 306 IPC.

5. A copy of the FIR is at Annexure-1 and same is perused by the Court. Initially, a case under Section 302 IPC was registered along with allied offences but finally the petitioner and other accused persons stood chargesheeted under Section 306 IPC besides Section 304-B IPC and other offences which is revealed from Annexure-3.

6. It is claimed that the allegation is omnibus in nature that there was ill-treatment meted out to the victim on account of the dowry demand. It is submitted by the learned counsel for the petitioner that since other accused persons, such as, the in-laws of the deceased are on bail, the petitioner should be directed to surrender and released on bail subject to any conditions as would be fixed by the court.

7. Considering the nature of allegations and the fact that chargesheet is filed against the petitioner, no case is made out for interference. In the words, the criminal proceeding which is initiated against the petitioner and pending before the learned court below at the stage of enquiry is not liable to be quashed. However, regard being had to the fact that the allegation to be omnibus in nature, the Court is of the view that the petitioner should be directed to surrender and released on bail considering the fact that death of the deceased has been suicidal in nature and chargesheet stands filed

under Section 306 IPC of course besides Section 304-B IPC since her death has taken place within seven years of marriage.

8. Accordingly, it is ordered,

9. In the result, CRLMC stands disposed of with a direction to the petitioner to surrender before the learned J.M.F.C., Dhamnagar in connection with G.R. Case No.196 of 2017 arising out of Dhamnagar P.S. Case No.91 of 2017 on or before 20th December, 2022 and in the event, he surrenders within the stipulated time and applies for bail and the same shall be allowed by the court below subject to conditions.

10. Urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

TUDU

