

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2071 of 2022

Mithun Swain

....

Petitioner

Mr. D.N. Pattanaik, Advocate

- Versus -

State of Odisha

.... **Opposite Party**

Mr. S.K. Mishra, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

18.04.2022

Order No.

2.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioner is in custody in connection with Berhampur Sadar P.S. Case No.163 of 2021 corresponding to G.R. Case No.863 of 2021 pending in the Court of learned S.D.J.M., Berhampur, for the alleged commission of offence under Section 498-A/302/304-b/506/34 of IPC.
4. The petitioner is the husband of the deceased, who is said to have committed suicide. Further allegation is that the petitioner along with his parents and brother and sister subjected the deceased to severe mental and physical cruelty in connection with demand for dowry.
5. It is submitted that the co-accused persons have already been released on bail as per order passed by this Court in BLAPL No. 8108 of 2021. A perusal of the order passed in the said case reveals that this Court took into account the fact that the petitioners therein are father-in-law, mother-in-law and brother-in-law of the

deceased, as also the fact that the husband of the deceased was in custody and therefore, granted bail. Obviously, the petitioner being the husband does not stand on the same footing as the petitioners, who have been released on bail.

6. Having regard to the fact that the deceased, who was a young lady with a small child who took it upon herself to end her life which is preceded by acts of torture by her husband and in-laws due to demand for dowry, prima facie, the role of the husband becomes highly significant.

7. Having regard to the above facts and the materials on records, which prima facie show the involvement of the petitioner in the occurrence, I am not inclined to allow the prayer for bail, which is therefore, rejected. It is open to the petitioner to renew his prayer after examination of the informant and some materials witnesses in the case.

8. BLAPL is accordingly rejected.

(Sashikanta Mishra)
Judge

A.K. Rana