

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2419 of 2022

Abhimanyu Khatua

.... ***Petitioner***
Mr. B.B. Routray, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
Mr. S.S. Pradhan, AGA

CORAM:
JUSTICE G. SATAPATHY

ORDER
23.11.2022

Order No.

- 03.
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 G.R. Case No.489 of 2022 arising out of Talcher P.S. Case No.150 of 2022 pending in the file of learned S.D.J.M., Talcher for commission of offences punishable under Sections 498(A)/304(B)/306/34 of IPC read with Section 4 of D.P. Act, on the allegation of committing dowry death and abetting commission of suicide of the deceased by subjecting her to torture and cruelty, along with other accused persons in furtherance of their common intention for demand of dowry.
 3. In the course of hearing of the bail application, Mr. B.B. Routray, learned counsel for the petitioner submits that the petitioner is inside custody since 03.03.2022 and, in the meanwhile, after

completion of investigation, charge-sheet has already been laid and the case has been committed to Court in Session, but there is no iota of evidence against the petitioner. It is further submitted by him that the deceased had committed suicide by hanging herself for the reason beyond the knowledge and control of the petitioner and the petitioner has no role in commission of any offences. It is accordingly prayed by him to enlarge the petitioner on bail.

4. On the contrary, learned counsel for the State, however, strongly opposes the bail application of the petitioner.

5. Considering the rival submissions made, nature and gravity of the accusations as also the surrounding circumstance including the pre trial detention of the petitioner and regard being had to the fact that no external and internal injury except the ligature mark was noticed on the deceased as per the post mortem report and taking into consideration the cause of death as suicidal hanging as per the opinion of the autopsy conducting doctor and further taking into consideration the other circumstance in entirety, this Court considers the bail application of the petitioner favourably.

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.25,000/- 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

Subhasmita

