

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3405 of 2022

Kanakalata Mohanta

.... ***Petitioner***
Mr. R.N. Rout, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

Order No.

ORDER
16.05.2022

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner as well as learned counsel for the State. Perused the case record as well as documents.
3. This is an application under Section 439 Cr.P.C. filed by the petitioner for bail in connection with S.T. Case No.100 of 2022 arising out of Baisinga P.S. Case No.216 of 2021 pending in the court of learned Assistant Sessions Judge, Mayurbhanj at, Baripada on the grounds stated therein.
4. Perused the F.I.R. and a copy of the post-mortem report enclosed to the bail application besides the impugned order dated 12.04.2022.
5. Gone through the contents of the F.I.R.
6. Learned counsel for the petitioner submits that petitioner, who happens to be the mother-in-law of the deceased, who apparently committed suicide by hanging, the fact, which is established from post-mortem report and as far as, the allegations in the F.I.R. are

concerned, no specific conduct stands attributed against the accused persons and having regard to the fact that in the meantime, charge sheet has been filed under Section 306 IPC and other allied offences, both should be enlarged on bail with any conditions, which is objected to by the learned counsel for the State on the ground that there is material to suggest that the deceased was subjected to harassment as demand of Rs.50,000/- was made by her in-laws which has been stated by victim's mother revealed from her statement recorded under Section 161 Cr.P.C.

7. Initially, a case under Section 302 IPC was registered as the informant alleged killing of the victim by her in-laws but subsequently, turned to a case under Section 306 IPC. The death of the victim appears to be by hanging. From the postmortem report, the cause of death of the deceased is stated to be on account of Asphyxia and various congestions as a result of ante mortem hanging. The specific demand of Rs.50,000/-, which is claimed by the learned counsel for the State, as the mother of the victim stated, has not been specifically indicated in the F.I.R. No doubt, allegation of ill-treatment is revealed from the F.I.R. It appears that the victim and the son of the petitioner had a love marriage and subsequently resided outside and had recently returned to the village and both were staying together in the latter's house and during that time, the unfortunate incident happened. The allegations, as it appear from the F.I.R., to be omnibus in nature. There is no allegation of dowry related torture meted out the victim during her stay in in-laws house.

8. It is submitted by learned counsel for the petitioner that the father-in-law and the husband of the deceased has already been released on bail by this Court vide order dated 10.01.2022 in BLAPL No.9579 of 2021.

9. Having regard to the above facts and closure of investigation, filing of charge sheet under Section 306 IPC for that the victim committed suicide and absence of allegation of dowry and torture and also the period of detention of both the accused persons, which is since 17.7.2021, the Court is inclined to release the petitioner on bail with conditions.

10. Accordingly, it is directed that the petitioner be released on bail on furnishing bail bonds of Rs.40,000/- (rupees forty thousand) each with one solvent surety for the like amount each to the satisfaction of the learned court below, who shall impose such other conditions, as would be deemed just and proper, in the facts and circumstances of the case.

11. The BLAPL is accordingly disposed of.

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

