

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3456 of 2022

Bijay Nath

.... ***Petitioner***
M/s.A.R.Panda, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.P.K.Patnaik, A.G.A.

**CORAM:
JUSTICE G. SATAPATHY**

ORDER
04.11.2022

Order No.

- 02.
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 Binjharpur P.S. Case No.670 of 2021 corresponding to C.T. Case No.2761 of 2021 pending in the Court of learned S.D.J.M., Jajpur for commission of offence punishable U/Ss. 498(A)/302/304-B/34 of the I.P.C. read with Section 4 of the D.P. Act on the allegation of committing murder and dowry death of the deceased so also abetting commission of her suicide as well as subjecting her to torture and cruelty prior to her death for demand of dowry.
 3. In the course of hearing of the bail application, Mr.A.R.Panda, learned counsel for the petitioner submits that the petitioner is innocent person and he is no way involved in this case, rather the deceased had committed suicide for reason best known to her. It is submitted by learned counsel for the petitioner that the petitioner is inside jail custody since 27.12.2021 and investigation has already been completed but the petitioner has not been charge sheeted for offence U/S. 302 of I.P.C. It is also submitted that the materials on record do not disclose commission of offence U/S. 304-B of I.P.C. as there was no demand of dowry and the deceased committed suicide for her own reason and that the petitioner

having detained in custody since long may kindly be released on bail.

4. On the contrary, learned counsel for the State do not dispute the deletion of offence U/S. 302 of I.P.C. but he, however strongly opposes the bail application of the petitioner on the ground that he being the husband of the deceased was found to have demanded a cash of Rs.2,00,000/- and subjecting her to torture and cruelty prior to her death. It is specifically submitted that the bail application of the petitioner does not deserve any consideration.

5. Considering the rival submissions advanced and taking into consideration the nature and gravity of offence as well as the nature of accusations and the manner and circumstance of death of the deceased and keeping in view the pre-trial detention of the petitioner and the object of bail being not punitive and keeping in view the other circumstance in entirety and regard being had to the fact that charge sheet has already been submitted but no material has been placed on record to indicate that the petitioner would abscond or tamper with evidence, if released on bail, this Court feels it proper to exercise its jurisdiction U/S. 439 of Cr.P.C. favourably in favour of the petitioner.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released 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 not leave the jurisdiction of the learned trial Court without prior permission till conclusion of the trial and the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of the order be granted on proper application.

(G. Satapathy)
Judge