

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.2896 OF 2021

Jalandhar Meher

....

Petitioner

Mr. S.K. Tripathy, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.D.R. Parida, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

02.05.2022

Order No.

04.

1. This matter is taken up by through hybrid arrangement (virtual/physical) mode.
2. This is the successive journey of the Petitioner, who is in custody in connection with Dunguripali P.S. Case No.10 of 2019 corresponding to S.T. case No.27 of 2019 arising out of G.R. Case No.13 of 2019 pending on the file of learned Sessions Judge, Sonapur running for the alleged commission of offence under section-498-A/302/304-B/34 of the IPC read with section-4 of the D.P. Act, in filing this application under section 439, Cr.P.C., for reconsideration of the prayer for grant of bail to the Petitioner.
3. Learned Counsel for the Petitioner submits that as the wife of the Petitioner committed suicide by setting herself ablaze, this Petitioner on the general allegation that he was not pulling on well with her and was demanding dowry has been arrested in the case and is in custody since 17.01.2019. He further submits that the material on record reveals that this

Petitioner was not present in the house, when the incident took place and immediately arrived there on receiving the information by rushing from his service centre which of course is at a short distance from his house. It is submitted that here the completion of trial is uncertain as no prosecution witness has yet been examined. It is further submitted that the Petitioner being granted interim bail by the Trial Court has not misused the liberty and surrendered before the said Court on the date fixed. In view of all these above, he urges for reconsideration of the prayer for grant of bail to the Petitioner on such terms and conditions as deemed just and proper.

4. Learned counsel for the State opposes the move. According to him, on the face of the allegation, that the Petitioner was demanding dowry and torturing the deceased and the death of the deceased has taken place within a period of seven years of marriage that to on receiving burn injuries, the presumption under section-113B of the Evidence Act, stands drawn as to the culpability of this Petitioner. He however does not dispute the position that the Petitioner is in custody since 17.01.2019 and examination of prosecution witnesses has not yet commenced.

5. Taking into account the submissions made; further keeping in view the surrounding circumstances especially, the period of detention of the Petitioner in custody; while being inclined to reconsider the prayer for grant bail to the Petitioner in the aforesaid case, it is directed that the Petitioner be released on bail on such terms and conditions as deemed just

and proper by the Court in seisin of the case with further conditions that:-

1. Petitioner will appear in person before the Court in seisin of the case on each date of posting of the case till conclusion of the trial;
2. will not threaten or terrorise the prosecution witnesses in any manner; and
3. will not leave the jurisdiction of the Court in seisin of the case.

Violation of any of the condition(s) shall entail cancellation of bail.

5. The BLAPL is accordingly disposed of.
Issue urgent certified copy as per rules.

Narayan

***(D. Dash),
Judge.***

