

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3595 of 2022

Rajesh Banchhor

....

Petitioner

*Mr. T.K. Sahu,
Advocate*

-Versus -

State of Odisha

....

Opposite Party

*Mr. M. Mishra,
Additional Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

13.10.2022

Order No.
5.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is in custody since 11.09.2021 in connection with Titilagarh P.S. Case No. 309 of 2021 corresponding to G.R. Case No. 386 of 2021 pending in the court of learned S.D.J.M., at Titilagarh for the alleged commission of offence under Sections 498-A/304-B/302 of IPC.
4. This is the second journey of the petitioner to this Court, his earlier application for bail being rejected by order dated 24.02.2022 passed in BLAPL No. 10075 of 2021 granting him liberty to renew his prayer after submission of charge. Charge sheet has in the meantime be submitted.
5. The petitioner is the husband of the deceased who is said

to have committed suicide because of torture meted out to her by her husband and in-laws in connection with demand for dowry.

6. Learned counsel for the petitioner submits that from the charge sheet itself it would be evident that the petitioner was not present at home at the time of occurrence and the deceased committed suicide by bolting the door of a room from inside. Though there are allegations of subjecting the deceased to cruelty by questioning her character yet the same appear to be omnibus in nature and no specific overt act is attributed in this regard. Further, the postmortem report clearly shows that the deceased did not have any external injuries other than the ligature mark around her neck suggesting death by hanging.

4. Considering the above facts and taking into account the period of detention of the petitioner in custody, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that the petitioner shall personally appear before the trial court on each date of posting of the case without fail.

7. The BLAPL is accordingly disposed of.

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

B.C. Tudu

(Sashikanta Mishra)
Judge