

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4164 of 2022

Manoj Das

....

Petitioner

M/s. B.K. Ragada, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

05.08.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in G.R. Case No.339 of 2021, on the files of learned J.M.F.C., Niali, arising out of Niali P.S. Case No.361 of 2021, offences under Sections 498(A)/304(B)/302/34 of IPC read with Section 4 of the D.P. Act and is in custody since 27.12.2021.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the 2nd Additional Sessions Judge, Cuttack, by order dated 06.05.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that there are no materials on record to substantiate the accusation under Section 304(B) of the IPC. It is further submitted that though the FIR was filed inter alia under Section 302 of IPC charge sheet has been filed inter alia under Section 304(B).

6. It is further submitted that there is no material on record to indicate that the petitioner was present in the house when the unfortunate incident took place and in this context, reliance is placed on the statement of his neighbor Kuna Das.

7. Learned counsel for the State relying on the statements of some neighbours more particularly one Akulananda Das submits that there was consistent evidence on record that the deceased was being subjected to torture on account of non-fulfillment of demand of dowry.

8. Learned counsel for the petitioner also submits that in the meanwhile, one Gyanaranjan Das has been released on bail by this Court by order dated 31.03.2022 in BLAPL No.1051 of 2022 and hence on the ground of parity, the bail application of the petitioner merits consideration.

9. Learned counsel for the State opposes such submission on the ground that the petitioner being the husband cannot be treated as at par with elder brother-in-law (Gyanaranjan Das) who has been released on bail.

10. Taking into account the period of custody and filing of charge sheet, this Court directs the Petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

11. Accordingly, the BLAPL stands disposed of.

12. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Santoshi