

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4426 of 2022

Jogendra @ Kedar Behera

.... ***Petitioner***
Mr. J. Sahu, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. S.S. Pradhan, AGA

CORAM:
JUSTICE G. SATAPATHY

ORDER
11.11.2022

Order No.

- 03.
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 G.R. Case No.121 of 2022 arising out of Padampur P.S. Case No.25 of 2022 pending in the file of learned S.D.J.M., Padampur for commission of offences punishable under Sections 498-A/323/302/304-B of IPC read with Section 4 of D.P. Act, but subsequently charge sheeted for commission of offence U/Ss. 498-A/323/304-B/306 of IPC read with Section 4 of D.P. Act on the allegation of abetting commission of suicide of the deceased and, thereby, committing her dowry death by subjecting her to torture and cruelty for demand of dowry.
 3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the petitioner is no way connected with the commission of crime, rather he has been falsely implicated in this case, but the deceased has committed suicide for the reason beyond the knowledge and control of the petitioner and after knowing the

deceased to have taken poison, the petitioner had taken her to hospital which by itself shows his bonafides. On the aforesaid submissions, learned counsel for the petitioner prays to grant bail to the petitioner.

4. On contrary, learned counsel for the State opposes the bail application of the petitioner tooth and nail and, he, by placing the statement of one Ghanashyam Bisal submits that the deceased was instigated and coaxed by the petitioner to take poison for demand of a motor cycle. It is also submitted by him that the petitioner being the husband of the deceased and he having tortured the deceased for demand of a motor cycle, should not be enlarged on bail.

5. Considering the rival submissions, the nature and character of accusation, the circumstance of death and keeping in view the pre trial detention of the petitioner since 05.02.2022 and regard being had to the fact that no external injury was noticed on the person of the deceased in the post mortem report and the cause of death being poisoning and the fact that no material has been placed on record to indicate that the petitioner would abscond or tamper with the prosecution witnesses, this Court considers the bail application of the petitioner favourably.

6. Hence, the prayer for the bail of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.50,000/- 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 attend the trial Court on each date of posting without fail unless his attendance is dispensed with and that he shall not leave the jurisdiction of the trial Court without prior permission till

disposal of the case.

7. Accordingly, the BLAPL stands disposed of.
8. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

Subhasmita

