

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4537 of 2022

Bapun @ Surendra Bindhani

....

Petitioner

Mr. J.K. Khuntia, Advocate

-versus-

State of Orissa

....

Opp. Party

Mr. P.K. Pattnaik, AGA

CORAM:

JUSTICE G. SATAPATHY

ORDER

10.11.2022

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 C.T. Case No.313 of 2022 arising out of Balasore Sadar P.S. Case No.103 of 2022 pending in the file of learned J.M.F.C.(R), Balasore for commission of offences punishable under Sections 498-A/302/304-B/34 of IPC read with Section 4 of D.P. Act, on the allegation of committing murder and dowry death of the deceased by 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. J.K. Khuntia, learned counsel for the petitioner submits that the petitioner is admittedly the husband of the deceased but he was staying in village Anandpur which was not the place of occurrence and there was no material on record to find out any prima facie case against the petitioner for demand of dowry and committing dowry death and murder of the deceased. It is also submitted by him that the petitioner

is an employee of WESCO and the forwarding report of the petitioner itself discloses that there was some dissension between the petitioner and his wife with regard to taking her to Keonjhar but the petitioner supported his parents and asked the deceased to stay back with his parents in village and there was some quarrel between the deceased and his family members over a petty matter and the deceased committed suicide by hanging herself, but the petitioner is neither any way connected nor has any role behind the crime and the petitioner having detained in custody substantially, may kindly enlarged on bail. It is also submitted by him that co-accused-brother-in-law has already been granted bail in BLAPL No.4278 of 2022 and, therefore, the petitioner standing on lesser footing may kindly be granted bail.

4. On contrary, learned counsel for the State, however, does not dispute about the petitioner staying at Anandpur and working in WESCO but he strongly opposes the bail application of the petitioner by inter alia submitting that the petitioner being the husband of the deceased cannot be equated with co-accused-brother-in-law released on bail, especially when he is the principal accused in a case of dowry death. It is accordingly prayed by learned counsel for the State to reject the bail application of the petitioner.

5. Considering the rival submissions, nature of gravity of accusation levelled against the petitioner and taking into consideration the pre trial detention and the fact that charge-sheet has already been submitted and keeping in view the nature and circumstance of the crime as also the fact stated in the forwarding report of the petitioner and regard being had to the release of co-accused-brother-in-law on bail, this Court considers the bail

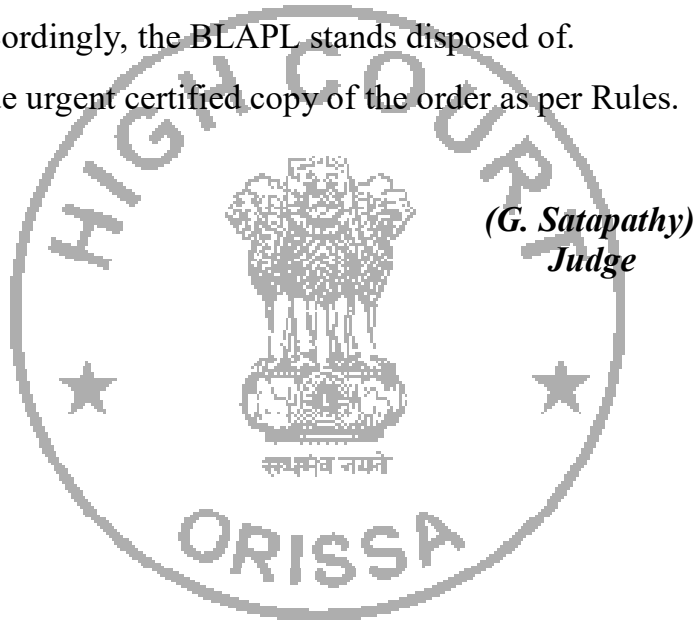
application of the petitioner favourably.

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.

Subhasmita



(G. Satapathy)
Judge