

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5134 of 2022

Maheswar Jena

..... Petitioner

Mr. A.R. Panda, Advocate

-versus-

State of Orissa

..... Opp. Party

Mr. M. Mishra, ASC

CORAM:

JUSTICE G. SATAPATHY

ORDER

01.11.2022

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.1841 of 2021 arising out of Binjharpur P.S. Case No.424 of 2021 pending in the file of learned S.D.J.M., Jajpur for commission of offences punishable under Sections 498(A)/304(B)/34 of IPC read with Section 4 of D.P. Act, on the allegation committing dowry death and abetting commission of death of the deceased by subjecting her to torture and cruelty prior to her death for or in connection with demand of dowry.
 3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the deceased had eloped with the petitioner and subsequently marriage was solemnized and there was no demand of dowry either from the petitioner or his family members and the deceased was accidentally caught with fire and she was rescued by the petitioner along with another co-villagers who shifted her to hospital and, thereafter, informed the informant and his family

members but no one turned up from their family to see the deceased at hospital. It is further submitted by him that the petitioner had informed about the death of the deceased to the informant, who after getting such information arrived at hospital and the post mortem was conducted on the dead body of the deceased and, thereafter, the informant lodged the FIR on suspicion only to harass the petitioner and his family members as the deceased had eloped with the petitioner without consent of her family members including the informant. Learned counsel for the petitioner under aforesaid submission prays to enlarge the petitioner on bail.

4. On contrary, learned counsel for the State by placing the statement of the informant submits that the deceased died within six months of her marriage in her matrimonial home owing to an incident of fire and there was demand of dowry by the petitioner and his family members and the petitioner being the husband of the deceased was instrumental in demanding dowry from the informant and accordingly the petitioners' family have committed dowry death of the deceased and, therefore, the petitioner shall not be released on bail.

5. Considering the rival submissions of the parties and taking into consideration the pre trial detention of the petitioner since 08.09.2021 and charge-sheet having been submitted for offences punishable under Sections 498(A)/304(B)/306/34 of IPC read with Section 4 of D.P. Act and taking into this circumstance of occurrence and keeping in view the object of bail being not punitive, rather protecting the personal liberty of an individual and that the deceased was hospitalized w.e.f. 26.08.2021 to 02.09.2021 with the assistance of the petitioner and others, this Court considers the bail application of

the petitioner leniently.

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

