

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4601 of 2021

Bikash Chandra Parida

***.... Petitioner
Mr. S.R. Mohapatra, Adv.***

Versus

State of Odisha

***.... Opposite Party
Mr. S.S. Pradhan, A.G.A.***

**CORAM:
JUSTICE SAVITRI RATHO**

**ORDER
13.07.2022**

Order No.

06. 1. This matter is taken up through hybrid mode.
2. Heard Mr. S.R. Mohapatra, learned counsel for the petitioner and Mr. S.S. Pradhan, learned Addl. Government Advocate for the State.
3. This is an application under Section 439 of Cr.P.C. for grant of bail to the petitioner-Bikash Chandra Parida in connection with Mangalpur P.S. Case No.210 of 2020 corresponding to C.T. Case No.888 of 2020 pending in the Court of learned S.D.J.M., Jajpur where charge sheet has been submitted for commission of offences punishable under Section 304-A/498-A/306/34 of the I.P.C. and section 4 of the D.P. Act. After commitment, it is pending before the learned Sessions Judge, Jajpur in C.T. (Sessions) Case No. 45 of 2022.
4. This is the second journey of the petitioner to this Court seeking bail. His earlier application BLAPL No.7206 of 2020 had been dismissed on 22.02.2021, considering the allegation that the petitioner used to assault the deceased for non- payment of dowry and he being the husband of the deceased, stands on a different footing than the other accused persons who have been granted bail.

5. From a perusal of the certified copies of the order sheets of the learned Court below filed by the learned counsel for the petitioner, it is apparent that during pendency of this bail application, the case has been committed and charge has been framed against the petitioner and other accused persons namely, Abhinash Parida, Swarnalata @ Snehalata Parida and Bichitrananda Parida for commission of offences under Section 498A, 304-B, 306 and 34 of the I.P.C. and Section 4 of the D.P. Act on 05.07.2022.

6. Mr. Mohapatra, learned counsel for the petitioner submits that the petitioner is in custody since 20.05.2020 and similar omnibus allegations have been made against the petitioner and the co-accused persons regarding harassment and demand for dowry and the other accused persons have been granted bail only because the petitioner is the husband of the deceased, his prayer for bail had been rejected before commitment he further submits that although the learned trial Court had observed in the rejection order that charge is likely to be framed under Section 302 IPC but it has not done so . Referring to the statements of one Sarbeswar Das and one Samarendra Parida , two neighbours of the accused , he submits that they have stated that the deceased was sitting on the terrace and after a quarrel with the accused persons she went down stairs and shut herself in her room and committed suicide.

7. Mr. Pradhan, learned Addl. Government Advocate opposes the prayer for bail submitting that there are allegations of torture and ill-treatment against the petitioner and as he is the husband he should not be granted bail.

8. Considering the submissions of learned counsels for the parties, the nature of accusation against the petitioner, the period of detention of the petitioner in judicial custody and the fact that charge has not been

framed for the offence under Section – 302 IPC , I am inclined to allow the prayer for bail .

9. Let the petitioner- Bikash Chandra Parida be released on bail on such terms and conditions as may be fixed by the learned Court below in seisin over the matter, including the following conditions:-

- i) He will not threaten or try to influence prosecution witnesses while on bail.
- ii) He will appear on each date before the trial Court when the case is posted for trial.

10. The BLAPL is accordingly allowed.

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

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Savitri Ratho)
Judge

Sukanta

