

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5550 of 2022

Ratnakar Mohapatra

....

Petitioner

M/s. D.K.Mohapatra, Advocate

-versus-

State of Orissa

....

Opp. Party

M/s.M.Mishra, A.S.C.

CORAM:

JUSTICE G. SATAPATHY

ORDER

03.11.2022

Order No.

- 04.
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 Attabira Marine P.S. Case No.122 of 2022 corresponding to C.T. Case No.119 of 2022 pending in the Court of learned Nyayadhikari, Gram Nyayalaya, Attabira for commission of offence punishable U/Ss. 498-A/304-B of the I.P.C. read with Section 4 of D.P. Act on the allegation of subjecting the deceased to cruelty for demand of dowry and committing her dowry death by subjecting her to torture and cruelty soon before 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 there is hardly any material on record to find out any substance of accusation against the petitioner for commission of dowry death of the deceased and the petitioner having old aged parents in his house and he being the sole caretaker of them, it would be improper to detain the petitioner further. It is further submitted that the petitioner is no way connected with the commission of crime nor is he responsible for death of the deceased who committed suicide for a reason best known to her and the investigation having already been completed, there is hardly any scope for the petitioner to tamper with prosecution evidence. Learned counsel for the petitioner under aforesaid submissions prays to grant bail

to the petitioner.

4. On the contrary, learned counsel for the State submits that the petitioner being the husband of the deceased and his implication for commission of offence U/S. 304-B of I.P.C. is very much palpable on careful scrutiny of allegations on record and the petitioner having means to influence the prosecution witnesses should not be enlarged on bail.

5. Considering the rival submissions advanced for the parties, the materials available on record and the nature of allegations as also the gravity of offence and keeping in view the manner and circumstance of the death of the deceased and the period of detention in custody of the petitioner and further taking into consideration the statement of one Narendra @ Bimal Pradhan, the Ambulance driver and regard being had to the materials placed on record not indicating that the petitioner would tamper evidence or abscond if released on bail and the object of bail being not punitive and further taking into consideration the materials on record in entirety on the face of cause of death of the deceased on account of taking poison as stated by witnesses, this Court considers the bail application of the petitioner leniently.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bonds of Rs.25,000/- 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 not leave the jurisdiction of the learned trial Court without prior permission till conclusion of the trial and the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of the order be granted on proper application.

