

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6091 of 2022

Pramod Paikaray ***Petitioner***

Mr.M.C. Jena, Advocate

-versus-

State of Odisha ***Opp. Party***

*Mr.Rajesh Tripathy,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
29.07.2022**

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State.

Learned counsel for the petitioner submits that in the meantime, the case has already been committed to the Court of Session and now pending before the learned 2nd Addl. Sessions Judge, Puri in S.T. Case No.247 of 2022.

This is an application under section 439 of Cr.P.C. for grant of bail to the petitioner in connection with Gadisagoda (Jodapadar) P.S. Case No.90 of 2020 corresponding to S.T. Case No.247 of 2022 pending in the Court of learned 2nd Addl. Sessions Judge, Puri for offences punishable under sections 498-A/304(B)/34

of the Indian Penal Code read with section 4 of the D.P. Act.

The petitioner moved an application for bail before the learned 1st Addl Sessions Judge, Puri which was rejected on 28.01.2022.

Learned counsel for the petitioner submitted that the petitioner is the husband of the deceased Manorama Martha and he is in judicial custody since 07.08.2020 and the petitioner has earlier approached this Court twice, once in BLAPL No.1771 of 2021, which was dismissed for non-prosecution as per order dated 28.07.2021 and the 2nd bail application in BLAPL No.6696 of 2021, which was disposed of as withdrawn. The petitioner has been charge sheeted under sections 498-A/304(B)/34 of the Indian Penal Code read with section 4 of the D.P. Act. The marriage between the petitioner and the deceased was a love marriage. The deceased eloped with the petitioner, for which the family members arranged their marriage in a temple in the year 2019 and the occurrence in question took place on 04.08.2020. Learned counsel for the petitioner further submitted that the deceased attempted to commit suicide by pouring kerosene on her body and at that time the petitioner was not present in the house and getting information about his wife's condition, the petitioner rushed to his house and shifted her in an Auto rickshaw to the S.C.B. Medical College and Hospital, Cuttack for her

treatment and during course of treatment, she died on 06.08.2020. The post mortem report indicates that the cause of death of the deceased was on account of burn injuries. He further submits that there is no clinching material against the petitioner relating to his involvement in the case of dowry death and therefore, the bail application of the petitioner may be favourably considered.

Learned counsel for the State, on the other hand, produced the case diary and opposed the prayer for bail and placed the statement of the mother of the deceased and submitted that in view of the time gap between the date of marriage and the date of death and since it is a bride burning case, the petitioner should not be released on bail, particularly when there are chances of tampering with the evidence.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, the surrounding circumstances under which the deceased died, the conduct of the petitioner in shifting the deceased to the hospital to save her life and the post mortem report findings, and further taking into account the period of detention of the petitioner in judicial custody, I am inclined to reconsider the prayer for bail and direct the petitioner to be released on bail.

Let the petitioner be released on bail in the

aforesaid case on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with further conditions as the learned Court may deem just and proper subject to conditions that the petitioner shall appear before the learned trial Court on each date when the case would be posted for trial and shall not indulge in any criminal activities and shall not try to tamper with the evidence.

Violation of any terms and conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

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

