

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6113 of 2022

Antaryami Nayak @ Naik

.... ***Petitioner***
M/s. S.K.Panda, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.M.Mishra, A.S.C.

CORAM:

JUSTICE G. SATAPATHY

ORDER

03.11.2022

Order No.

- 07.
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 Tangi P.S. Case No.105 of 2022 corresponding to G.R. Case No.1205 of 2022 pending in the Court of learned J.M.F.C.(Rural), Cuttack for commission of offence punishable U/Ss. 498-A/302/304-B/34 of the I.P.C. read with Section 4 of the D.P. Act, but subsequently charge sheeted for commission of offences punishable U/Ss. 498-A/306/34 of I.P.C. read with Section 4 of D.P. Act on the allegation of abetting the commission of suicide of his daughter-in-law and subjecting her to torture and cruelty prior to her death.
 3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the petitioner is inside custody since 16.05.2022 and the petitioner being the father-in-law of the deceased is aged about 54 years and his further detention in custody would deprive him of his right of liberty. It is further submitted that co-accused sister-in-law and brother-in-law of the deceased have already been granted bail in ABLAPL No. 6409 of 2022 and 11801 of 2022 and the present petitioner being the father-in-law of the deceased has no role in the suicide of the deceased. Learned counsel for the petitioner under aforesaid submissions prays to enlarge the petitioner on bail.

4. On the contrary, learned counsel for the State, however, opposes the bail application of the petitioner vehemently and he inter alia submits that the petitioner being not only the father-in-law of the deceased but also he has been implicated U/S. 306 of I.P.C. and the materials on record itself discloses a strong prima facie case against the petitioner and the petitioner thereby is not entitled to be released on bail.

5. Considering the rival submissions so also the nature and gravity of accusations as also the status of the petitioner as father-in-law and his period in custody since 16.05.2022 and the fact that charge sheet has already been submitted in this case for offence U/Ss. 498-A/306 of I.P.C. read with Section 4 of D.P. Act and the fact that no material has been placed on record to indicate that the petitioner would abscond or tamper with prosecution witnesses if released on bail and regard being had to the fact that the object of bail is not punitive, rather protecting the personal liberty of a person and keeping in view the circumstance of death of the deceased for taking poison as evinced from the record, this Court considers it proper to grant bail to the petitioner.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bond of Rs.25,000/- with one solvent surety 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.

7. Accordingly, the BLAPL stands disposed of.

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

(G. Satapathy)
Judge