

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.5788 of 2021**

***Nabin Nayak***

.... ***Petitioner***  
Mr.S.K. Dwibedi, Advocate

*-versus-*

***State of Odisha***

.... ***Opposite Party***  
Mr.Samaresh Jena, ASC

**CORAM:  
JUSTICE D.DASH**

**ORDER**  
**29.11.2022**

**Order No.**

07. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is the successive journey of the Petitioner, who is in custody in connection with Nabarangpur P.S. Case No.102 of 2019 corresponding to C.T. Case No.42 of 2019 pending on the file of learned Sessions Judge, Nabarangpur, running for the alleged commission of offence under section 498-A/302/304-B of the IPC read with section 4 of D.P. Act, in filing this application under section 439, Cr.P.C., for his release on bail.
3. Learned counsel for the Petitioner submits that despite the detention of the Petitioner in custody from 01.05.2019, the trial of the case has not yet been concluded and by now, only ten witnesses have been examined and others are yet to be. He

further submits that the Petitioner, having been granted interim bail, has in the meantime surrendered and no such report stands adverse to his conduct during that period of interim bail. He submits that this Petitioner, being the husband of the deceased, has been roped in the case when there is no direct evidence to connect him with the commission of crime. In view of all these above, he urges for reconsideration of the prayer for grant of bail to the Petitioner as according to him, further detention of the Petitioner in custody would serve no useful purpose.

Learned counsel for the State opposes the move. According to him, the death of the deceased having taken place within a period of seven years of marriage, that too under unnatural circumstance, with the aid of presumption available under section 113-A/113-B of the Evidence Act, on the face of the allegation as to the demand of dowry and torture on account of non-fulfillment of the same; complicity of the Petitioner stands.

5. Considering the submissions made and on going through the materials as placed, further keeping in view the surrounding circumstances including the period of detention of the petitioner in custody since 01.05.2019, while being inclined to reconsider the prayer for grant of bail to the Petitioner; it is directed that the Petitioner be released on bail in the aforesaid case on such terms and conditions as deemed just and proper by the court in seisin of the case with further conditions that that he will appear in person before the court in

seisin of the case on each and every date of posting of the case till conclusion of the trial and will not leave the jurisdiction of the Court without prior permission; and shall not threaten or terrorize the prosecution witnesses in any manner whatsoever.

Violation of any of the condition(s) shall entail cancellation of bail.

6. The BLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

*Basu*

