

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6087 of 2021

Ranjit Mahakud

....

Petitioner

M/s. R.K.Mahanta, Advocate

-versus-

State of Orissa

....

Opp. Party

M/s.D.Nayak, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

07.09.2022

Order No.

- 03.
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 Champua P.S. Case No.31 of 2021 corresponding to G.R. Case No.77 of 2021 pending in the Court of learned S.D.J.M., Champua for commission of offence punishable U/Ss. 498-A/302/34 of the I.P.C.
 3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the petitioner is inside the custody since 06.03.2021 and in the meantime, charge sheet has already been submitted in this case against the petitioner for offence U/Ss. 498-a/304-B/302/34 of I.P.C. read with Section 4 of D.P. Act but the deceased has committed suicide for the reason beyond the knowledge of the petitioner and at the time of death of deceased, the petitioner was not present in his house. Learned counsel for the petitioner by placing the statement of witness Akhaya Kumar Mahakud submits that all the allegations levelled against the petitioner are omnibus in nature and hardly there is any material to indicate that the deceased was subjected to torture by the petitioner before her death and co-accused mother-in-law having already been released on bail, the present petitioner may also be released on bail.
 4. On contrary, learned counsel for the State, while opposing the bail

application of the petitioner submits that the deceased has suffered an unnatural death within seven years of her marriage in her matrimonial home and there being enough material to indicate torture meted to the deceased by her in laws and the present petitioner being the husband of the deceased is a prime accused in this case and the petitioner being thereby is not entitled to bail.

5. Considering the rival submissions advanced and taking into consideration the period of custody of the petitioner since 06.03.2021 and the cause of death as found in post mortem report to be asphyxia and venous congestion and keeping in view the nature and circumstance of the death of the deceased and regard being had to the peculiar nature of allegations levelled against the petitioner and release of co-accused on bail, this Court feels it proper to enlarge the petitioner on bail.

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 trial 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 trial in the case and the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with by the learned trial Court.

7. Accordingly, the BLAPL stands disposed of.

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

(G. Satapathy)
Judge