

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6205 of 2021

Tapas Kumar Pradhan @ Tapas Pradhan

....

Petitioner

M/s.S.R.Mohapatra, Advocate

-versus-

State of Orissa

....

Opp. Party

M/s.S.N.Das, A.S.C.

CORAM:

JUSTICE G. SATAPATHY

ORDER

14.09.2022

Order No.

- 08.
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 Bampada(Industrial Area) P.S. Case No.34 of 2021 corresponding to C.T. Case No.193 of 2021 pending in the Court of learned S.D.J.M., Balasore for commission of offence punishable U/Ss. 498-A/304(B)/302/34 of I.P.C. read with Section 4 of D.P. Act on the allegation of setting his wife on fire and killing her thereby as well as subjecting her to torture prior to her death.
 3. Heard learned counsel for the petitioner as well as learned counsel for the State.
 4. In the course of hearing of the bail application, learned counsel for the petitioner submits that the offence U/S. 304(B) is never made out against the petitioner since the marriage of the deceased with the petitioner was solemnized more than seven years ago and the deceased died out of an accidental bursting of stove after being found burnt with 85% of the body. It is further submitted that the petitioner is inside the custody since 11.03.2021 and he had tried to save the deceased by pouring water and shifting her to District Headquarter Hospital, Balasore and subsequently to Aswini Hospital, Cuttack for better treatment. It is also submitted that the

petitioner was no way connected with commission of crime and the alleged oral dying declaration of the deceased is a afterthought one since the F.I.R. containing the oral dying declaration was lodged after sixteen days of the occurrence and the petitioner having not committed any offence, may kindly be enlarged on bail.

5. On contrary, learned counsel for the State, while opposing the bail application of the petitioner submits that the story of accidental death of the deceased is afterthought one and no eye witnesses have ever whispered a single word with respect of bursting of stove resulting in deceased catching with fire. Learned counsel for the State by placing the statement of Babita Pradhan submits that there was a quarrel between the deceased and the petitioner immediately before the occurrence and since the deceased died on account of fire being set on by her husband, the petitioner shall not be enlarged on bail.

6. Considering the nature and gravity of allegations levelled against the petitioner and keeping in view the averments of the F.I.R. containing the alleged oral dying declaration of the deceased and other circumstance of allegations placed on record and regard being had to the fact that the deceased was found caught with fire in the house of the petitioner and her death on account of burn injuries and charge sheet having already been submitted for commission of offence U/Ss. 498-A/302 of I.P.C., this Court does not feel it proper to admit the petitioner to bail. Accordingly, the prayer for bail of the petitioner stands rejected.

7. Accordingly, the BLAPL stands disposed of.

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

(G. Satapathy)
Judge