

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6809 of 2021

Biswa Mohan Pradhan

....

Petitioner

Mr. P.K. Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K. Mohanty, A.S.C.

*Mr. Anirudha Das, Advocate for the
Informant*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

23.03.2022

Order No.

03.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and learned counsel for the State. Perused the F.I.R., case diary and other relevant documents as well as statement of the witnesses.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The Petitioners are accused in G.R. Case No.1729(A) of 2019 arising out of Bantala P.S. Case No.171 of 2019 pending in the court of learned S.D.J.M., Angul for commission of offence punishable under Sections 498-A/376-D/363/294/343/506/34, I.P.C. read with Section 4 of the D.P. Act.
5. It is alleged in the F.I.R. that the petitioner along with his

family members subjected the victim to cruelty, tortured her physically and mentally demanding more dowry. He terminated her foetus of eight month-old without her consent and left in her parental house. It is further alleged that the petitioner while leaving his victim wife at her parent's house, he kidnapped the second daughter of the informant and committed rape on her keeping in his house for a long period of eleven months. When the informant wanted to lodge an F.I.R before the Police against his brother-in-law, he along with other accused abused him and threatened with dire consequence.

6. It is submitted on behalf of the petitioner that the victim, who is the daughter-in-law of the petitioner, refused to be examined under Sections 161 and 164 Cr.P.C.. A false case has been foisted against the petitioner in order to take revenge. The demand of dowry is not at all correct. Hence, the offence under Section 498-A is not made out. Besides, there is no material on record to attract the offence under Section 313 of I.P.C. The charge sheet has been submitted. Apart from that the F.I.R. was lodged after eleven months of commission of the crime. It is also submitted that the petitioner is in custody since 24.07.2021 and other co-accused person has already been released on bail by this Court by order dated 06.08.2020 in BLAPL No.2132 of 2020.

7. Learned counsel for the informant also admits that facts and stated that the petitioner is the brother-in-law of the victim and the husband of the victim has already been released on bail by this Court. He further submits that the matter has been amicably settled between the parties.

8. On the contrary, the learned counsel for the State opposed the

bail application with the submission that the offence as alleged is serious and heinous in nature.

9. Having heard the learned counsel for the petitioner and the State, considering the facts and submissions made and period of detention, it is directed that the petitioner be released on bail in the aforesaid case by the court in seisin over the matter on such terms and conditions as deemed just and proper subject to conditions that-

I. The petitioner shall appear before the trial court on each date of hearing of the case; and

II. he shall not try to tamper with the evidence in any manner.

Violation of the aforesaid conditions may entail consideration for cancellation of the bail granted to the petitioner.

10. The Bail Application is accordingly disposed of.

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

Jagabandhu

(*A.K. Mohapatra*)
Judge