

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7845 of 2022

Siba Sankar Dakua & Another

Petitioners

Mr. S.K. Jena, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

21.12.2022

Order No.

05.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. The petitioners are accused in G.R. Case No.1047 of 2022, pending in the file of the learned J.M.F.C., Khallikote, arising out of Khallikote P.S. Case No.420 of 2022, for commission of alleged offences under Sections 294/306/201/304-B/506/34 of IPC.
3. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Khallikote, by order dated 11.08.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted that the petitioners who are the husband and father-in-law are in custody since 03.08.2022 and as charge-sheet has been filed on 05.11.2022, their further continuance in custody is unwarranted.
5. Learned counsel for the petitioners has placed the statement of one Arjun Gouda charge-sheeted witness No.2, to fortify his stand that the victim was in fact suffering from a terminal

disease and though she did not disclose the same at any time and not being able to withstand the pain, she committed suicide.

6. Such assertion is refuted by the learned counsel for the State relying on the statements inter alia of the mother of the victim Namita Dakua charge-sheeted witness No.17 that the victim was on regular basis subjected to humiliation for not being able to satisfy their demand for dowry, for which the unfortunate incident has happened.

7. It is seen that though the FIR was registered inter alia under Sections 294/302/201/304-B/506/34 of IPC, yet after investigation charge-sheet has been filed under Sections 306 of IPC.

8. Learned counsel for the State also does not dispute that in the meanwhile co-accused persons have been released on bail, though it is rightly stated that they are not similarly placed with the petitioners.

9. Considering the filing of the charge-sheet inter alia the Section 306 of IPC, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin.

10. Accordingly, the BLAPL stands disposed of.

11. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

Ayesha