

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7085 of 2021

Pradeep Kumar Mishra

....

Petitioner

Mr.S.S.Mishra, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr.K.K.Gaya,ASC

CORAM:

JUSTICE S.K. PANIGRAHI

Order

No.

04.

ORDER

12.01.2022

1. This matter is taken up by hybrid mode.
2. Heard, learned counsel for the petitioner and learned counsel for the State.
3. The petitioner being in custody in connection with Simulia P.S. case No.11 of 2021 corresponding to C.T. Case No.42 of 2021 pending in the court of learned J.M.F.C., Soro for commission of offences under Sections 498-A/ 304-B/302/34 of the Indian Penal Code has filed this application under Section 439 of the Cr.P.C. for his release on bail.
4. It is alleged in the F.I.R. that the petitioner who is husband had married to the daughter of the informant as per Hindu custom . But subsequently inlaws family members including the petitioner husband tortured her mentally as well as physically demanding more dowry and committed murder of her.
5. Learned counsel for the petitioner has filed an additional affidavit sworn by the elder brother of the petitioner wherein it has been mentioned that some of the co-accused have already been released on bail by this court in BLAPL No.2163 of 2021 and interim protection has been given in favour of some other co-accused in ABLAPL No.1385 of 2021. It is further submitted

that at the relevant point in time, the petitioner was not present at his home but he was at his working place i.e. at Sambalpur. Though he was not present at the spot, he was arrested by the Police based on the F.I.R. allegation. Moreover, the petitioner has been languishing in custody since 17.01.2021.

6. Learned counsel for the State submits that the petitioner being the husband it is his bounden duty to take care and protect his wife. But, the same has not been shown towards the deceased wife by the present petitioner. Hence, the petitioner does not deserve bail.

7. However, considering the submissions, facts and circumstances of the case as well as the period of detention of the petitioner in custody without trial, it is directed that the petitioner be released on bail in the aforesaid case with some stringent terms and conditions as deemed just and proper by the learned court in seisin over the matter with further conditions that:-

- i. the petitioner shall appear before the learned trial court on each date of posting of the case;
- ii. he shall not indulge himself in any criminal offence while on bail and
- iii he shall not tamper with the prosecution evidence in any manner.

8. Violation of any of the conditions shall entail cancellation of the bail.

9. The BLAPL is accordingly disposed of

10. As the restrictions due to resurgence of Covid-19 are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the Advocate concerned with his/her seal, in the manner prescribed vide Court's Office Order dated 7th January, 2022.

(S.K.Panigrahi)
Judge

LB

