

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7432 of 2021

Siba Khatei @ Siba Kumar Khatei ***Petitioner***
Mr. B.C. Gadei, Advocate
-versus-
State of Odisha ***Opposite Party***
Mr. G.R. Mohapatra, ASC

CORAM: MR. JUSTICE S.K. PANIGRAHI

ORDER

06.05.2022

Order No.

07. 1. The matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in G.R. Case No.792 of 2020 arising out of Khurda P.S. Case No.230 of 2020 on the file of learned 2nd Addl. Sessions Judge, Khurda for commission of offence under Sections 498-A, 304-B and 302/34 of the IPC read with Section 4 of the D.P. Act. He has filed this petition for bail.
4. The prosecution case, as narrated in the FIR, is that the complainant Ahalya Champati, the mother of the deceased lodged FIR before Khordha Model P.S. alleging that on 07.07.2020 she received information that her daughter Selina Champati had married to Siba Khatei has been admitted in Khurda Hospital. When the complainant along with her family member reached in the Hospital, they found her daughter died, which raised suspicion that the petitioner had killed her when she unable to fulfill the demand of dowry.

5. Learned counsel for the petitioner submits that the petitioner is in custody since 08.07.2020 and there is no eye-witness to the occurrence. There is no specific allegation against the present petitioner, except mere allegation of dowry death. The neighbours stated that they have only heard about such occurrence of torture. The allegation is that the petitioner was tortured the deceased and because of tortured from the petitioner and his family members demanding dowry, she has committed suicide. The death was committed on suspicious circumstances and the petitioner's role is not correctly ascribed in the entire prosecution story.

6. At this stage, the learned counsel for the State submits that, as the report of the 2nd Addl. Sessions Judge, Khurda, as many as 14 prosecution witnesses have already been examined, only 8 witnesses are left to be examined.

7. In such view of the matter, this Court is not inclined to grant bail to the petitioner. The BLAPL is dismissed.

8. However, the learned Trial Judge is directed to complete the trial within a period of four months from today. If by any chance, the trial is not completed within the aforesaid period, the petitioner is liberty to approach this Court afresh for bail.

(S.K. Panigrahi)
Judge