

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8057 of 2021

Hadibandhu Behura and another *Petitioners*
Mr. Amitav Tripathy, Advocate
-versus-
State of Odisha *Opposite Party*
Mr. K.K. Nayak, ASC for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
20.04.2022

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Mr. Amitav Tripathy, learned counsel has entered appended for the Petitioners and files his Vakalatname in Court today, which is taken on record.
2. This is an application under Section 439 Cr.P.C. filed by the Petitioners for bail in connection with Astaranga P.S. Case No.82 of 2019 corresponding to G.R. Case No.489 of 2019, pending in the file of learned J.M.F.C., Nimapara, for commission of alleged offences under Sections 498-A/302/323/406/34 of I.P.C.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. The case of the prosecution in short is that the Informant lodged this FIR alleging therein that since 8 years back the

deceased sister of the Informant married to the son of the Petitioners as per Hindu rites and custom. After 5 to 6 months of marriage all the in-laws members including the petitioners started torturing her on account of demand of more dowry. On 19.08.2019, a meeting was held in the village and the matter was compromised, but on 25.08.2019, he heard that his sister has been killed by the in-laws members, on the basis of which, this FIR has been registered and after completion of investigation, charge-sheet has been submitted.

3. Learned counsel for the Petitioners submits that Petitioners are father-in-law and mother-in-law of the deceased. It is further submitted that Petitioners are languishing in jail custody since the date of their arrest, i.e. 3.9.2021. It is submitted that police after completion of investigation have already filed charge-sheet in the matter. Further submitted that the husband of the deceased had admitted the crime wherein he has stated that after the marriage, the deceased went to Chennai where, the deceased developed illicit relationship with another person. Finally, in the year 2019, Petitioners along with the deceased came back to the village. On 25.08.2019 night, due to misunderstanding, they started quarreling. The husband brought a bill hook (a katuri) from his house and gave successive blows to the neck of his wife, as a result of which the head detached from the body in the bed room. Learned counsel for the petitioners submits that due to sudden provocation of the

deceased, the entire incident has occurred. The Petitioners have no role in the alleged crime.

6. Learned counsel for the State vehemently objects the prayer for bail of the Petitioners as heinous crime has been committed by the Petitioners. He further submits that some of the neighbors, who have been examined as witnesses have taken the plea that Petitioners had assaulted the deceased. Accordingly, learned counsel for the State prays for rejection of the bail application of the Petitioners.

7. Having regard to the facts and circumstances of the case, considering the nature and gravity of offences alleged and the period of detention of the Petitioners, this Court is inclined to release the Petitioners on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) each with one local surety each for the like amount to the satisfaction of the learned court in seisin of the matter subject to the terms and conditions as fixed by the trial court.

8. With the above direction, the BLAPL is accordingly allowed.

9. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge