

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8468 of 2021

Sk. Abrar Hussain @ Firoz @ Sk. Petitioner
Irhar Hussain

Mr. B.K. Bal, Advocate

-versus-

State of Odisha Opposite Party
Mr. Manoj Kumar Mohanty, ASC for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
16.03.2022

Order No.
02

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Salipur P.S. Case No.105 of 2021, corresponding to G.R. Case No.326 of 2021, pending in the file of learned J.M.F.C., Salipur, for commission of alleged offences under Sections 498-A/304-B/306/34 of I.P.C.
3. Heard learned counsel for both the parties. Perused the Case Diary, FIR and statement of witnesses.
4. The case of the prosecution as per the FIR, in brief, is that the complainant-Rasana Bibi, W/o. Fakre Alam of village Jiginpur, P.S-Salipur, Dist.-Cuttack appeared at the Police Station on 15.05.2021 and presented a written report alleging that at about 11.30 P.M., her daughter, namely, Nurjahan Parween had married to one Sk.Abrar Hussain, S/o.Sk. Abdul Hussain of Vill-Fogal, PS-Salipur, Dist.-Cuttack. It is alleged that her in-law members, namely,

(1) Abdul Hussain, (2) Sk. Farak Hussain , (3) Rasmil Parween, (4)Anjun Parween, (5) Sk. Munna, (6) Sk. Sadam, (7) Babu Khan murdered her daughter by setting fire by pouring kerosene on the pretext of demand of more dowry. Hence, she reported at police station for taking legal action against the accused persons.

5. Learned counsel for the Petitioner submits Petitioner is languishing in jail custody since the date of his arrest, i.e. 15.05.2021. It is submitted that police after completion of investigation has filed charge-sheet under Sections 498-A/304-B/306/34 of IPC r/w. Section 4 of D.P. Act. It is submitted that the deceased committed suicide by pouring kerosene and setting herself in fire. As a result of which, she died at the spot. It is alleged that the room in which the deceased had committed suicide, was locked from inside. Therefore the final charge-sheet has been filed making allegation of Section 306 of IPC. It is further submitted that Petitioner belongs to the locality, therefore, there is no chance to evade the trial of the case.

6. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner on the ground that there are allegations of dowry torture by the family members of the deceased. However, he does not dispute to the fact that the door was locked from inside while the deceased committed suicide. However, he submits that in the event of release, stringent conditions may be imposed on the Petitioner.

7. Having heard learned counsel for the parties and upon consideration of the facts and circumstances of the case and keeping in view the nature and gravity of offences alleged and the period of

detention of the Petitioner, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one local surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to the following terms and conditions :

- (i) He shall appear before the trial court on each and every date as fixed by the court;
- (ii) He shall not tamper with the prosecution evidence;
- (iii) He shall not influence or threaten any prosecution witness and cooperate in the investigation;
- (iv) He shall provide his present address and mobile number to the I.O. and if any changes therein shall also be intimated to the I.O.;
- (v) He shall not leave the jurisdiction of the court without special permission from the court; and
- (vi) Violation of any of the above conditions shall entail cancellation of the bail.

8. It is further directed that the court in seisin of the matter to verify the criminal antecedents of the Petitioner and impose any additional condition(s), if situation so warrants. This order shall remain valid in the event the court in seisin of the matter is satisfied that Petitioner has no criminal antecedents.

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

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

(A.K. Mohapatra)
Judge